

Horton, Kans., and State Society of Labor and Industry of Leavenworth, Kans., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. DE ARMOND (by request): Affidavit of Samuel L. Landers, in support of bill for his relief—to the Committee on Military Affairs.

By Mr. EMERSON: Letter of John Lucas & Co., of Philadelphia, Pa., protesting against House bill 3076—to the Committee on Labor.

By Mr. FITZGERALD: Resolutions of Building Trades Councils of Yonkers, N. Y., in favor of the proposed increase of pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Eight-Hour League of America, in support of a national eight-hour day—to the Committee on Labor.

By Mr. GRIFFITH: Medical testimony to accompany House bill 13041, granting an increase of pension to William Wheeler—to the Committee on Invalid Pensions.

Also, petition of Mrs. Hallie H. Smith and 27 other citizens of Jefferson County, Ind., asking for an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. KERN: Petition of sundry citizens of Belleville, Ill., favoring legislation requiring oleomargarine or butterine to be sold on its merits and not as butter—to the Committee on Agriculture.

Also, protest of business men of New Athens, Ill., against the enactment of House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Bremen Creamery Company, Bremen, Ill., favoring the Grout bill—to the Committee on Agriculture.

Also, resolutions of East St. Louis (Ill.) Retail Grocers' Association, favoring pure-food laws—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Journeymen Tailors' Union No. 294, Belleville, Ill., favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of Zealous Lodge, No. 217, Brotherhood of Locomotive Firemen, East St. Louis, Ill., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Sundry petitions of citizens of Chester, Glasgow, Havre, and Bear Paw Mountains, Montana, for the establishment of a land office at Havre, Mont.—to the Committee on the Public Lands.

By Mr. LANHAM: Resolutions of Signal Mount Lodge, No. 372, Locomotive Firemen, Big Springs, Tex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the same lodge, in favor of the extension of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. LASSITER (by request): Resolutions of the Chamber of Commerce of Elizabeth City, N. C., in regard to an inland waterway from Chesapeake Bay to Beaufort Inlet—to the Committee on Rivers and Harbors.

Also (by request), resolutions of the Central Labor Union of Norfolk, Va., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. LITTAUER: Resolutions of Maple City Division, No. 25, Order of Railroad Conductors, of Ogdensburg, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, paper to accompany House bill 13281, granting an increase of pension to Morgan L. Snyder—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 13282, granting an increase of pension to Thomas Roden—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Resolutions of Trenton (N. J.) Division, No. 85, Order of Railroad Telegraphers, urging the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, protest of Cigar Makers' Union No. 230, of Millville, N. J., against 20 per cent reduction of import duty on cigars from Cuba or Philippine Islands—to the Committee on Ways and Means.

By Mr. McCLELLAN: Petition of 58 citizens of the Twelfth Congressional district of New York, in favor of House bills 170 and 179—to the Committee on Ways and Means.

By Mr. McDERMOTT: Resolutions of Carpenters' Union of Jersey City, and Bricklayers' Union No. 29, of West Hoboken, N. J., favoring further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. MOODY of Massachusetts: Resolutions of Boot and Shoe Workers' Union No. 56, of Beverly, Mass., favoring an educational test for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the same body, favoring Chinese exclusion—to the Committee on Foreign Affairs.

Also, resolutions of the Massachusetts State Board of Trade, favoring a commission to study the commercial conditions of China—to the Committee on Foreign Affairs.

By Mr. MORRELL: Resolutions of Bricklayers' Union No. 33, of Philadelphia, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. MUTCHLER: Papers to accompany House bill No. 10902, to amend the military record of George N. Brownlee, or George N. Brownlay—to the Committee on Military Affairs.

By Mr. NORTON: Resolution of Galion Division, No. 16, Brotherhood of Locomotive Engineers, favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, papers to accompany House bill 13269, granting a pension to John Richardson—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Petition of Hoosier Lodge, No. 261, of Indianapolis, Ind., Brotherhood of Railway Trainmen, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. PALMER: Petition of Duryea Branch of Polish National Alliance, at Duryea, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Silk Workers' Union No. 246, Plymouth, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RUMPLE: Petition of 190 citizens of Davenport, Iowa, asking the President to proffer to the British Government the assistance of the United States in the settlement of the differences between Great Britain and the South African Republic and Orange Free State—to the Committee on Foreign Affairs.

By Mr. RUPPERT: Resolutions of the Building Trades Council of Yonkers, N. Y., favoring the passage of House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolutions adopted by Utah volunteers, regarding mileage from the Philippine Islands—to the Committee on Military Affairs.

Also, petition of certain citizens of New York, and resolution of Carpenters' Union No. 707, of New York City, favoring more restrictive immigration laws—to the Committee on Immigration and Naturalization.

Also, resolutions of Lighting Fixture Association of New York, urging that the reciprocity treaty with France be not ratified—to the Committee on Foreign Affairs.

By Mr. RYAN: Resolutions of Polish National Alliances of Buffalo, N. Y., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolution of American Division No. 544, Buffalo, N. Y., Brotherhood of Locomotive Engineers, favoring House bill 9053, to enforce the law of domicile—to the Committee on Labor.

By Mr. SHERMAN: Papers to accompany House bill 12248, granting an increase of pension to Edward M. Curtis—to the Committee on Invalid Pensions.

By Mr. STEELE: Resolutions of Stone Masons' Union No. 27, Wabash, Ind., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the same body, favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill 13250, granting a pension to James Gillen—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 13284, granting a pension to Samuel E. Wilson—to the Committee on Invalid Pensions.

By Mr. WOODS: Papers to accompany House bill 13017, granting an increase of pension to James Austin—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, April 2, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

FREE SCHOOLS IN THE INDIAN TERRITORY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to a provision in the Indian appropriation act of March 2,

1901, the report of Mr. Frank C. Churchill relative to the practicability of providing a system of taxation of personal property, occupations, franchises, etc., in the Indian Territory sufficient to maintain a system of free schools to all of the children of that Territory; which, on motion of Mr. ALLISON, was, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

CUBAN CONSTITUTION.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting to the Senate, in response to a resolution of February 26, 1901, an English translation of the proceedings of the constitutional convention of the island of Cuba. There is a very large number of documents accompanying the communication, and unless there be objection the Chair will refer the communication and accompanying papers to the Committee on Relations with Cuba, without an order as to printing, and let the committee determine whether the accompanying papers should be printed. The Chair hears no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3231) to legalize and maintain a new steel bridge, erected in place of the old wooden structure, across the Little Tennessee River at Niles Ferry, Tennessee, by the Atlanta, Knoxville and Northern Railroad.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President of the United States to return to the Senate the bill (S. 2291) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

- A bill (S. 6) granting an increase of pension to Charles H. Stone;
- A bill (S. 18) granting an increase of pension to George Daniels;
- A bill (S. 880) granting an increase of pension to Emory S. Foster;
- A bill (S. 965) granting a pension to Eliza B. Gamble;
- A bill (S. 1039) granting an increase of pension to Nathaniel C. Goodwin;
- A bill (S. 1095) granting an increase of pension to Mary Morgan;
- A bill (S. 1264) granting an increase of pension to Torgus Haraldson;
- A bill (S. 1289) granting an increase of pension to Julius W. Clark;
- A bill (S. 1630) granting an increase of pension to Ella R. Graham;
- A bill (S. 1681) granting an increase of pension to Maria Louisa Michie;
- A bill (S. 1872) granting an increase of pension to Abbie George;
- A bill (S. 1924) granting an increase of pension to Thomas Feneran;
- A bill (S. 1942) granting an increase of pension to Kate A. Clements;
- A bill (S. 1967) granting an increase of pension to Andrew J. Freeman;
- A bill (S. 1979) granting an increase of pension to Samuel M. Howard;
- A bill (S. 1982) granting an increase of pension to Eugene J. Oulman;
- A bill (S. 2006) granting an increase of pension to James Lebew;
- A bill (S. 2046) granting an increase of pension to Thomas E. Sauls;
- A bill (S. 2262) granting an increase of pension to George Farne;
- A bill (S. 2287) granting an increase of pension to Georgie Josephine Walcott;
- A bill (S. 2379) granting an increase of pension to George H. Evans;
- A bill (S. 2398) granting an increase of pension to George W. Myers;
- A bill (S. 2505) granting an increase of pension to John Barnard;
- A bill (S. 2625) granting an increase of pension to Carlin Hamlin;
- A bill (S. 2768) granting an increase of pension to John G. Hutchinson;
- A bill (S. 2938) granting an increase of pension to Margaret Dunn;
- A bill (S. 2976) granting an increase of pension to Edward Thompson;
- A bill (S. 3072) granting a pension to Oliver Gisborne;

A bill (S. 3187) granting an increase of pension to Leroy S. Smith;

A bill (S. 3213) granting a pension to Arma J. Thomas;

A bill (S. 3216) granting an increase of pension to Henry M. Taylor;

A bill (S. 3299) granting an increase of pension to Isaiah Tufford;

A bill (S. 3481) granting an increase of pension to James E. Dexter;

A bill (S. 3514) granting an increase of pension to Leander Parmelle;

A bill (S. 3518) granting a pension to Nadine A. Turchine;

A bill (S. 3577) granting an increase of pension to Mary V. Walker;

A bill (S. 3650) granting a pension to Sarah A. Carter;

A bill (S. 3660) granting a pension to Mary Sweeney;

A bill (S. 3696) granting an increase of pension to Edward H. Armstrong;

A bill (S. 3743) granting an increase of pension to Frances Gurlley Elderkin;

A bill (S. 3910) granting an increase of pension to Robert S. Woodbury;

A bill (S. 4021) granting a pension to Sarah Frances Taft;

A bill (S. 4086) granting an increase of pension to Charles W. Foster;

A bill (S. 4095) granting an increase of pension to Charles C. Dudley;

A bill (S. 4214) granting an increase of pension to John McDonald;

A bill (S. 4304) granting a pension to John S. Nelson;

A bill (S. 4346) granting a pension to Augusta Turner;

A bill (S. 4363) granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve;

A bill (S. 4413) granting an increase of pension to Martha A. Greenleaf; and

A bill (S. 4486) granting an increase of pension to Myra W. Robinson.

PETITIONS AND MEMORIALS.

Mr. KEAN presented a memorial of Cigar Makers' Local Union No. 230, of Millville, N. J., remonstrating against a reduction of 20 per cent of the duty on cigars imported from Cuba and the Philippine Islands; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Sussex, N. J., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

He also presented memorials of sundry citizens of Jersey City, Elizabeth, Newark, Hoboken, Englewood, Sussex, Arlington, Bridgeton, Fairton, Plainfield, and Bayonne, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. TALIAFERRO presented petitions of Marine Engineers' Beneficial Association No. 81, of Pensacola; of Cigar Makers' Local Union No. 440, of Tampa; of Cigar Box Makers' Local Union No. 10, of Tampa; of Marine Engineers' Beneficial Association No. 42, of Jacksonville; of Cigar Makers' Local Union No. 556, of Palatka, and of Team Drivers' Local Union No. 213, of Tampa, all of the American Federation of Labor, in the State of Florida, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. GALLINGER presented petitions of the Woman's Christian Temperance Unions of Swiftwater, Farmington, and Exeter, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. BURTON presented petitions of sundry citizens of Como, Windhurst, Oak Hill, Navarre, Ladysmith, Parsons, Walnut, Peabody, Moonlight, Centropolis, Soldier, Woodston, and Frederick, all in the State of Kansas, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. PENROSE presented memorials of 69 citizens of Grove City, and of 279 citizens of Blairville, in the State of Pennsylvania, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of 16 citizens of Somo Mills, of 36 citizens of Platt, of 31 citizens of Lancaster, and of 37 citizens of Christiana, all in the State of Pennsylvania, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a petition of Quoko Lodge, No. 211, Brotherhood of Locomotive Firemen, of Easton, Pa., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented a memorial of the J. Lelewels Beneficial Society, of Scranton, Pa., remonstrating against the proposed change in the immigration laws of the United States, and praying for the enactment of legislation authorizing the supplying of farms and agricultural implements to immigrants, etc.; which was referred to the Committee on Immigration.

He also presented a memorial of 231 citizens of Pennsylvania, remonstrating against the establishment of an inspection system in the immigration laws of the United States; which was referred to the Committee on Immigration.

He also presented memorials of 10 citizens of Allentown, of 14 citizens of Yardley, and of 19 citizens of Mertztown, all in the State of Pennsylvania, remonstrating against the ratification of pending reciprocity treaties with foreign countries; which were referred to the Committee on Foreign Relations.

He also presented petitions of Eli Hemphill Circle, No. 40, Ladies of the Grand Army of the Republic, of Tarentum; of Post No. 58, Department of Pennsylvania, Grand Army of the Republic, of Harrisburg, in the State of Pennsylvania, praying for the enactment of legislation providing pensions for certain officers and men in the Army and Navy of the United States when 50 years of age and over, etc.; which were referred to the Committee on Pensions.

He also presented petitions of Painters, Decorators, and Paperhangers' Local Union No. 208, of Washington; of Retail Clerks' Local Union No. 204, of Ashland; of Boiler Makers' Local Union No. 41, of Elwood; of Typographical Union No. 321, of Connellsville; of Local Division No. 3, Order of Railroad Telegraphers, of Harrisburg; of Mine Workers' Local Union No. 1824, of Leechburg; of Railway Conductors' Local Union No. 187, of Sunbury; of 130 citizens of Donora, and of Silk Mill Workers' Local Union No. 246, of Plymouth, all in the State of Pennsylvania, and of Steam Fitters' Local Union No. 82, of Omaha, Nebr., praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. MILLARD presented a petition of 20 citizens of Diller, Nebr., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Journeymen Barbers' Local Union No. 64, of South Omaha, Nebr., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented petitions of Coopers' Local Union No. 10, of South Omaha; of Coopers' Local Union No. 21, of Omaha; of the Stationary Firemen's Local Union No. 9, of South Omaha; of Bakers' Local Union No. 215, of Omaha, and of Switchmen's Local Union No. 5, of Omaha, all of the American Federation of Labor, in the State of Nebraska, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FRYE presented the petition of Henry F. Dill, of Augusta, Me., and the petition of Homer R. Dill, of Augusta, Me., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of Bricklayers and Masons' International Union No. 8, of Waterville, Me., praying for the enactment of legislation to exclude Chinese laborers from the United States and their insular possessions; which was ordered to lie on the table.

He also presented a petition of the Pittsburg Wholesale Lumber Dealers' Association, of Pittsburg, Pa., praying for the enactment of legislation providing for the abolishment of the London landing charge imposed by steamship companies upon lumber and other products exported from North Atlantic ports; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3992) granting an increase of pension to David M. McKnight;

A bill (S. 2738) granting an increase of pension to James W. Hankins;

A bill (S. 694) granting a pension to Jane Caton;

A bill (S. 4042) granting an increase of pension to William H. Norton; and

A bill (S. 2975) granting an increase of pension to Levi Hatchett.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 899) granting an increase of pension to George F. Bowers; and

A bill (S. 4535) granting an increase of pension to Lydia M. Granger.

Mr. BURTON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10117) granting a pension to Sarah H. H. Lowe;

A bill (H. R. 4176) granting an increase of pension to Nathan W. Snee;

A bill (H. R. 4116) granting an increase of pension to William Berry;

A bill (H. R. 7613) granting an increase of pension to Evaline Wilson;

A bill (H. R. 3352) granting an increase of pension to Margaret M. Boyd;

A bill (H. R. 3260) granting a pension to Jacob Golden;

A bill (H. R. 4172) granting an increase of pension to George R. Chaney;

A bill (H. R. 1485) granting an increase of pension to Thompson B. Moore;

A bill (H. R. 291) granting a pension to Christina Heitz;

A bill (H. R. 11025) granting a pension to Mary A. Carlile;

A bill (H. R. 3427) granting an increase of pension to Sarah E. Allen;

A bill (H. R. 1476) granting an increase of pension to Henry F. Benson; and

A bill (H. R. 3354) granting an increase of pension to Thomas Young.

Mr. McCUMBER, from the Committee on Manufactures, to whom was referred the bill (S. 3342) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 12275) granting a pension to Amelia A. Russell, reported it without amendment, and submitted a report thereon.

INDIAN SCHOOLS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from Nevada [Mr. STEWART] on March 27, to report it with amendments, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read, as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth 12,000 copies of the Revised Course of Study for Indian Schools; 3,000 for the use of the Senate, 6,000 for the use of the House of Representatives, and 3,000 for the use of the superintendent of Indian schools.

The PRESIDENT pro tempore. The amendments of the committee will be stated.

The SECRETARY. At the end of line 2, before "thousand," strike out "twelve" and insert "six;" in line 4 strike out "three thousand" and insert "one thousand five hundred;" in the same line, before "thousand," strike out "six" and insert "three;" and in lines 5 and 6 strike out "three thousand" and insert "one thousand five hundred;" so as to make the resolution read:

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth 6,000 copies of the Revised Course of Study for Indian Schools; 1,500 for the use of the Senate, 3,000 for the use of the House of Representatives, and 1,500 for the use of the superintendent of Indian schools.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4898) granting a pension to Ida A. Douglass (with an accompanying paper);

A bill (S. 4899) granting an increase of pension to Mary Scott;

A bill (S. 4900) granting an increase of pension to Elizabeth P. Sigfried; and

A bill (S. 4901) granting an increase of pension to Christian Romain.

Mr. BURTON introduced a bill (S. 4902) for the relief of John H. Baker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HANNA introduced a bill (S. 4903) for the relief of Emma Morris; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 4904) for the relief of William T. Alexander, jr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4905) authorizing the President to nominate Lieut. Commander Arthur P. Osborn to be a commander on the retired list of the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4906) to correct the naval record of Alfred Burgess; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 4907) to correct the military record of Charles F. Deisch (with accompanying papers);

A bill (S. 4908) for the relief of Charles H. Buttner (with accompanying papers);

A bill (S. 4909) to correct the military record of John N. Wood; and

A bill (S. 4910) to correct the military record of Augustus Crowell.

Mr. HANNA introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4911) granting an increase of pension to David Cooperider (with accompanying papers);

A bill (S. 4912) granting an increase of pension to Maggie L. Reaver;

A bill (S. 4913) granting an increase of pension to Franklin Moore;

A bill (S. 4914) granting an increase of pension to James Hayden;

A bill (S. 4915) granting an increase of pension to Joseph Wilson (with an accompanying paper);

A bill (S. 4916) granting an increase of pension to Friend S. Esmond;

A bill (S. 4917) granting a pension to Emeline Allison (with an accompanying paper);

A bill (S. 4918) granting an increase of pension to Christian Miller;

A bill (S. 4919) granting an increase of pension to James M. White (with an accompanying paper);

A bill (S. 4920) granting an increase of pension to Joseph C. Hale;

A bill (S. 4921) granting an increase of pension to Sarah E. Losee (with an accompanying paper); and

A bill (S. 4922) granting an increase of pension to Andrew C. Smith (with accompanying papers).

Mr. QUARLES introduced a bill (S. 4923) to ratify and confirm a supplemental agreement with the Creek tribe of Indians, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MONEY introduced a bill (S. 4924) for the relief of Jackson Briscoe; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4925) for the relief of the estate of Jesse M. Brent, deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate \$10,000 for the maintenance of the improvement of the St. Jones River, Delaware; providing for a survey of the harbor at Wilmington, Del., and Christiana River with a view of providing bulkheads for said harbor and river and widening and maintaining a channel 21 feet deep, and providing for the completion of the work and a survey on Smyrna River, Delaware, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the maintenance of the improvement of the harbor at Pittsburg, Pa., from \$10,000 to \$22,000, to include cost of surveys for harbor-line extension, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment directing the Secretary of War to enter into a contract with Lewis Muhlenberg Haupt, of Philadelphia, Pa., for completing the improvement of Aransas Pass, Tex., and appropriating \$500,000 therefor, intended to be proposed by him to the river and harbor appropriation bill; which

was referred to the Committee on Commerce, and ordered to be printed.

Mr. DRYDEN submitted an amendment providing for the expenditure of \$25,000 of the appropriation of \$100,000 for improving Arthur Kill or Staten Island Sound, from Kill von Kull to Raritan Bay, New York and New Jersey, for dredging between the mouth of Raritan River and tail of Great Beds, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment providing for a preliminary examination or survey of Raritan Bay, New Jersey, with a view of obtaining a depth of 22 feet and a channel 400 feet wide from South Amboy to tail of Great Beds, New Jersey, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. QUARLES submitted an amendment providing that \$5,000 of the \$40,000 appropriated for contingencies of the Indian Service be used for the introduction of the willow industry among certain tribes and on Indian reservations where it may be found feasible, intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table, and be printed.

Mr. HANSBROUGH submitted an amendment proposing to appropriate \$3,000 for making a further survey of Otter Tail Lake and Otter Tail River, Minnesota, with a view to the construction of a dam at the outlet of the lake, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,000 for making a further survey of Big Stone Lake and Lake Traverse, Minnesota and South Dakota, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,000 for continuing the survey of Red Lake and Red Lake River, Minnesota, with a view to the construction of a dam with locks at the outlet of the lake, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate \$500,000, or so much thereof as may be necessary, for the transmission of mail by pneumatic tubes or other similar devices, etc., intended to be proposed by him to the Post-Office appropriation bill; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

HOT SPRINGS RESERVATION, ARK.

Mr. BERRY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to forward to the Senate the reports, prepared under his direction, of analysis of the waters of the hot springs on the Hot Springs Reservation, Ark., by Prof. J. K. Haywood, of the Division of Chemistry, Department of Agriculture, and geological sketch of Hot Springs Reservation by Prof. Walter H. Wood, of the United States Geological Survey.

HEARINGS ON PURE-FOOD BILLS.

Mr. McCUMBER. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That 5,000 copies of the hearings before the Committee on Manufactures upon the pure-food bills, together with the report of the committee thereon, be printed, 2,000 copies for the use of the Senate and 3,000 for the use of the House.

The PRESIDENT pro tempore. Does the Senator from North Dakota know what the cost will be?

Mr. McCUMBER. Less than \$400.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

HEARING ON WOMAN SUFFRAGE.

Mr. BACON. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That 10,000 copies of the hearing before the United States Senate Committee on Woman Suffrage, held in the Marble Room of the United States Senate on the 18th day of February, 1902, be printed for the use of the Senate.

The PRESIDENT pro tempore. Has the Senator from Georgia any idea of the cost?

Mr. BACON. I have not. I did not make the inquiry for the reason that I inquired of a Senator who is familiar with this subject, the senior Senator from Maine [Mr. HALE], whether the rule

applies to this class of printing, and it is his opinion that it does not.

Mr. HALE. It has always been held, I think, Mr. President, that the rule does not apply to hearings.

The PRESIDENT pro tempore. The Chair is of opinion that it does not apply to hearings.

Mr. BACON. I will state that this number of copies is desired by those who are most interested in the matter.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

ASSAY OFFICE AT PROVO CITY, UTAH.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

Mr. RAWLINS. The bill (S. 150) for the establishment of an assay office at Provo City, Utah, is on the Calendar and was passed over on a former day. I ask the Senator from Maine [Mr. HALE] whether he has any objection to the bill being considered at this time?

Mr. HALE. I wish to confer with some members of the Committee on Finance, who have the general jurisdiction of the subject. Let the bill stand over for a day or two, and then I will confer with the Senator about it.

Mr. RAWLINS. All right.

JOHN L. SMITHMEYER AND PAUL J. PELZ.

The bill (S. 167) for the relief of John L. Smithmeyer and Paul J. Pelz was considered as in Committee of the Whole. It gives jurisdiction to the United States Court of Claims to rehear and render judgment in the claim of John L. Smithmeyer and Paul J. Pelz for compensation for their services in preparing plans for the building for the Library of Congress, and provides that no prior settlement or adjudication thereunder of their claim for compensation for the services shall be a bar; but the measure of compensation shall be awarded upon a quantum meruit basis for all services rendered until such plans were accepted by the United States. The measure of compensation shall not exceed the rates and rules established by the custom and usage of the profession of architects for such services; and the evidence heretofore taken and used by either party in the Court of Claims shall be competent in this suit and considered with such other evidence as either party may introduce.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect, was announced as next in order on the Calendar.

Mr. GAMBLE. I suggest that the bill be passed over without prejudice, retaining its place on the Calendar.

The PRESIDENT pro tempore. It will be passed over, retaining its place.

The bill (S. 1792) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property" was next in order on the Calendar.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans was next in order on the Calendar.

Mr. GALLINGER. That will likewise go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2960) to prohibit the coming into and to regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent was next in order on the Calendar.

Mr. LODGE. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1919) fixing fees of jurors and witnesses in the United States courts in the State of Wyoming was next in order on the Calendar.

Mr. SPOONER. I ask that the bill may go over without losing its place on the Calendar.

The PRESIDENT pro tempore. The bill goes over, retaining its place.

The bill (S. 1694) to provide for compensation for certain employees of the Treasury, War, and Navy departments was next in order on the Calendar.

Mr. HALE. Let that go over.

The PRESIDENT pro tempore. The bill goes over, retaining its place.

The bill (S. 4074) for the relief of Thierman and Frost was announced as next in order.

The PRESIDENT pro tempore. The bill was read as in Committee of the Whole on March 24.

Mr. PLATT of Connecticut. Let it be read again.

The PRESIDENT pro tempore. The Committee on Claims report a substitute, which will be read.

The Secretary read the proposed substitute.

Mr. ALLISON. Let the bill go over.

The PRESIDENT pro tempore. Retaining its place?

Mr. ALLISON. Retaining its place.

The PRESIDENT pro tempore. The bill goes over, retaining its place.

The bill (S. 3421) for the relief of Elton G. Goldsborough was next in order on the Calendar.

Mr. BURNHAM. I ask that that bill may go over, retaining its place.

The PRESIDENT pro tempore. The bill goes over, retaining its place.

The bill (H. R. 7018) for the relief of Robert J. Spottswood and the heirs of William C. McClellan, deceased, was next in order on the Calendar.

Mr. TELLER. My colleague [Mr. PATTERSON] wants to be present when the bill is considered. Let it stand over, keeping its place.

The PRESIDENT pro tempore. The bill will be passed over, retaining its place.

COURTS IN NORTH CAROLINA.

The bill (S. 3437) to amend chapter 4, Title XIII, of the Revised Statutes of the United States, was considered as in Committee of the Whole. It proposes to amend chapter 4, Title XIII, of the Revised Statutes of the United States, second edition, 1878, by inserting the words "and at Winston, N. C., on the second Monday in July and January," so that the paragraph in section 572 relating to the regular terms of the district courts for the western district of the State of North Carolina shall read as follows: "In the western district of North Carolina, at Greensboro, on the first Monday of April and October; at Statesville, on the third Monday of April and October; at Asheville, on the first Monday of May and November, and at Winston, N. C., on the second Monday in July and January."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND IN MONROE COUNTY, ARK.

The bill (S. 1154) for the relief of certain owners and occupants of land in Monroe County, Ark., was next in order on the Calendar.

The PRESIDENT pro tempore. This bill was reported adversely.

Mr. HALE. Let it be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

WHITE RIVER BRIDGE, ARKANSAS.

The bill (S. 4339) authorizing the White River Railway Company to construct a bridge across the White River, in Arkansas, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 5, on page 4, line 25, after the word "war," to strike out the remainder of the section in the following words:

and said structure shall be changed at the cost and expense of the owners thereof from time to time as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation on rivers or to exempt said bridge from the operation of the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN RUSSELL BARTLETT.

The bill (S. 4222) authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy, was considered as in Committee of the Whole.

Mr. LODGE. I ask for the reading of the report.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. HANNA March 25, 1902, and read as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 4222) authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following letter:

NAVY DEPARTMENT, Washington, March 12, 1902.

SIR: Referring to the bill (S. 4222) "authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy," and to the committee's request, in its letter of the 3d instant, for the Department's views upon the same, I have the honor to state that Captain Bartlett was, in July, 1897, then being 53 years and 9 months of age, found by a retiring board to be incapacitated for active service by reason of neurasthenia. Without questioning the correctness at that time of this finding, it appears to be a fact that ever since a few months after his retirement he has been an unusually good specimen of health and of physical and mental activity. During the recent war he was, under the statute authorizing active service by retired officers, put on active duty and did valuable and efficient work. Under the recent statute authorizing the employment of retired officers on active duty he is rendering efficient service and has been a member of several important boards; and it is believed that he is capable of performing active duty, as other officers of the same age.

As will be seen from the official transcript of Captain Bartlett's record of service, together with a more detailed supplementary statement, transmitted herewith, he has served with credit throughout his career in the Navy. The Bureau of Navigation, having been called upon by the Department for report and recommendation in the premises, submits the following, among other things, in his behalf:

"Captain Bartlett's services during the war with Spain were of great value to the Government. In addition to acting as Chief Intelligence Officer, he was assigned to the conduct of the coast signal service and the auxiliary naval force, which systems he completely reorganized upon an efficient working basis. He was also placed in control of the fund appropriated for the maintenance of secret agents in Spain.

"In view of his arduous and capable services during the period of the Spanish war and his previous excellent record, the Bureau approves of the legislation proposed by Senate bill 4222 and recommends its enactment."

The Department would have preferred a measure providing for the restoration of this officer to the active list after examination as to his physical and other qualifications to perform active duty, such as was introduced in the House of Representatives during the second session of the Fifty-sixth Congress (H. R. 13889), the grade and place to which he should be restored to be determined, after recommendation with regard thereto, by the examining board. Inasmuch, however, as the present measure has been introduced instead of the one above referred to, the Department approves the favorable recommendation of the Bureau of Navigation.

Very respectfully,

JOHN D. LONG, Secretary.

HON. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

Mr. LODGE. That is enough; I do not care for any further reading of the report. I should like to ask whether it would not be proper to put in this bill, what is, I think, usually put in bills of this character, a proviso that there shall be no claim for back pay.

Mr. GALLINGER. It gives a little back pay.

Mr. HALE. Let the Secretary read the last clause of the bill.

The Secretary read as follows:

The appointment to date from March 3, 1899.

Mr. HALE. It gives pay from March 3, 1899.

Mr. COCKRELL. Let the words "the appointment to date from March 3, 1899," be stricken out.

Mr. LODGE. That clause had better be stricken out.

I think it is usual (the Senator from Missouri can inform me) to put in bills of this character a provision that the beneficiary shall have no claim for back pay.

Mr. COCKRELL. That is right.

Mr. LODGE. It was put in a bill of a similar character in which I was interested.

Mr. ALLISON. Then let us put it in this bill.

Mr. COCKRELL. In line 7, after the word "office," I move to strike out the words:

The appointment to date from March 3, 1899.

And in lieu thereof to insert:

Provided, That no pay, bounty, or other emoluments shall accrue by reason of the passage of this act.

Mr. LODGE. I ask that the bill may be amended in the way suggested by the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TOWN OF BASIN CITY, WYO.

The bill (H. R. 11053) providing for the issuance of patent to the town of Basin City, Wyo., to the municipal authorities thereof for the use and benefit of said town, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL L. LEFFINGWELL.

The bill (S. 3633) granting a pension to Samuel L. Leffingwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel L. Leffingwell, late of Com-

pany L, Second Regiment Ohio Volunteer Infantry, war with Mexico, and major Thirty-first and Eighty-seventh Regiments Ohio Volunteer Infantry, and private, Company M, First Regiment Ohio Volunteer Cavalry, war of the rebellion, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. GALLINGER. I move to amend the amendment by striking out, in line 7, page 2, the words "war of the rebellion."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel L. Leffingwell."

ANNA E. LUKE.

The bill (S. 1814) granting an increase of pension to Anna E. Luke was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain," and in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna E. Luke, widow of Andrew M. Luke, late captain Company B, Seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OTTO H. HASSELMAN.

The bill (S. 4404) granting an increase of pension to Otto H. Hasselman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Otto H. Hasselman, late of Company A, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. GALLINGER. I move that the amendment be further amended by striking out "twenty-four" and inserting "thirty." That was the intention of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS BLISS.

The bill (H. R. 6918) granting an increase of pension to Thomas Bliss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Bliss, late of Company G, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH B. ARBAUGH.

The bill (H. R. 725) granting an increase of pension to Joseph B. Arbaugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph B. Arbaugh, late of Company K, Fortieth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH COWGILL.

The bill (H. R. 9848) granting an increase of pension to Joseph Cowgill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Cowgill, late of the First Independent Battery Indiana Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. OVERMAN.

The bill (H. R. 6016) granting an increase of pension to William J. Overman was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of William J. Overman, late of Company A, Thirty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. THOMAS.

The bill (H. R. 1275) granting an increase of pension to Charles W. Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Thomas, late of Company G, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BONDS OF OFFICERS OF THE NAVY.

The bill (S. 1107) limiting the liability of sureties on bonds of officers of the Navy was considered as in Committee of the Whole. Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. BLACKBURN March 25, 1902, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 1107) limiting the liability of sureties on bonds of officers of the Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following report of the Paymaster-General:

[Report of the Paymaster-General, pp. 12, 13.]

TERMINATION ON LIABILITY FOR PAY OFFICERS' BONDS.

Under existing laws no provision is made for the termination of liability of a surety on a public bond. As pay officers of the Navy are required to give new bonds from time to time during terms of office, there is pressing need of legislation to relieve them of unusual hardship with regard to the payment of annual premiums, as it frequently happens that these officers are compelled or prefer to take out their bonds with corporate surety companies.

The act of March 2, 1895 (28 Stat., 800), has been construed by the Comptroller of the Treasury, in his decision on liability of sureties on bonds of officers, rendered June 17, 1899 (Comp. Dec., vol. 91)—

"To cover the entire term of office, and if the officer is not appointed for any fixed term specified in the statute creating the office or in the commission appointing the officer, the liability continues during the whole period of service of the officer under said commission, whether short or long."

The law as now interpreted is thus manifestly unfair, not only to the sureties who serve on such bonds—for the reason that they are never released from the liability originally incurred—but also to the officers who are required to qualify under such bonds.

Furthermore, the proviso of the same act—which reads: "Hereafter every officer whose duty it is to take and approve official bonds shall cause all such bonds to be renewed every four years after their dates, but he may require such bonds to be renewed or strengthened oftener if he deems such action necessary"—has been also construed by the Comptroller of the Treasury in the same decision as follows:

"Under these provisions the Comptroller has held that such renewal bonds are cumulative and do not release from continuing liability the sureties on the original bond, notwithstanding the fact that new satisfactory bonds are forwarded as required by the provisions of this act, where the renewal bond is given during the same term of office."

Hence it appears that, as the new bonds do not operate to release the sureties on the first bonds, pay officers may be required to pay annual premiums on all the bonds furnished by corporate surety companies filed by them during their continuance in any one grade.

In the case of the Fidelity and Deposit Company of Maryland v. George W. Simpson, paymaster, United States Navy, for the recovery of premium on bond filed prior to the acceptance of a new bond by the Secretary of the Navy, upon which premium had also been paid, the supreme court of the District of Columbia rendered a decision in favor of the plaintiff. Paymaster Simpson is required, therefore, to pay annual premium on two bonds, each for the full amount required by law.

In view of the foregoing, I recommend that Congress be asked to pass a measure providing for the execution of new bonds and release of sureties similar to the bills H. R. 8500 and S. 3209, introduced during the last session of Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VOID ENTRIES OF PUBLIC LANDS.

The bill (S. 642) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," was considered as in Committee of the Whole.

Mr. PLATT of Connecticut. This seems to be a rather far-reaching bill. According to the Calendar there has been a report made to accompany the bill, but I do not find such a report on my file.

The PRESIDENT pro tempore. There is a report.

Mr. PLATT of Connecticut. I should like to have the report read, and then I think I shall ask to have the bill go over.

Mr. CULLOM and Mr. HALE. Let the bill go over.

Mr. PLATT of Connecticut. Very well. Then I ask that the bill go over and that the report of the committee be printed in the RECORD.

The PRESIDENT pro tempore. The report will be printed in the RECORD, in the absence of objection, and the bill will go over, retaining its place on the Calendar.

The report submitted by Mr. NELSON on March 25, 1902, is as follows:

The Committee on Public Lands, to whom was referred the bill (S. 642) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," having had the same under consideration, beg leave to report as follows:

Your committee recommend the following amendments:

After the word "office," line 11, page 2, insert the words "or adjudged invalid by the final decision of a court."

After the word "made," line 18, same page, add the word "and," and between the words "which" and "is," same page and same line, insert the word "portion."

In line 23, same page, strike out the words "money under this act" and insert in lieu thereof the words "such excess payment."

Strike out the whole of the second proviso on page 3 and insert in lieu thereof the following:

"That the provisions of this act as to said excess payment shall not apply to any land within the primary or granted limits of any railroad land grant or part thereof, where the railroad for which said grant was made has actually been constructed adjacent to and coterminous with such land."

The proposed amendments, while they do not change the purport of the bill, render the object thereof more plain.

A bill of similar intent was introduced in the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses. A favorable report was made upon it on each occasion, and certain amendments were suggested in the Fifty-fourth and Fifty-fifth Congresses. These amendments have been incorporated in the measure now under discussion. In the Fifty-sixth Congress it passed the Senate. The report made upon the measure in the Fifty-sixth Congress reproduced the reports made in the prior Congresses, and as this report prints at length the recommendations of the Secretaries of the Interior, made when the bill was submitted to the Department during the Fifty-fourth and Fifty-fifth Congresses, it is herewith reprinted.

[Senate Report No. 6, Fifty-sixth Congress, first session.]

Mr. McBRIDE, from the Committee on Public Lands, submitted the following report (to accompany S. 386):

The Committee on Public Lands, having had Senate bill 386 under consideration, beg leave to report it back with the recommendation that it do pass.

A bill similar to this was introduced in the Fifty-fifth Congress, and was reported favorably from the Committee on Public Lands, with certain amendments. These amendments have been incorporated in this bill.

The following is the report made upon the measure at the last Congress, which is hereby adopted as the report of your committee on the pending bill:

[Senate Report No. 1493, Fifty-fifth Congress, third session.]

In lines 31 and 32, page 2, printed bill, strike out the words, "original entryman thereof, or to his legal representatives," and insert the following in lieu thereof: "Entryman who made the excess payment or to his executor or administrator for the benefit of the estate."

In line 35, page 2, printed bill, strike out the word "two" and insert the word "three" in lieu thereof.

In line 37, page 2, printed bill, after the word "act," strike out the period and insert a semicolon; also insert the following words: "And provided further, That nothing herein contained shall be so construed as to affect any land lying within the primary limits of any railroad land grant where the road to which said grant was made has been constructed."

The bill as amended reads as follows:

"A bill to amend an act entitled 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands.'"

"Be it enacted, etc., That section 2 of an act entitled 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands,' approved June 16, 1880, be amended so as to read as follows:

"SEC. 2. That in all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled or relinquished on account of conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his legal representatives, the fees and commissions, amount of purchase money, and excesses paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office; and in all cases where parties, as preemptors or homestead claimants, have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, or which is within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made, which is adjacent to and coterminous with such lands, the excess of \$1.25 per acre shall in like manner be repaid, but only to the entryman who made the excess payment or to his executor or administrator for the benefit of the estate: *Provided*, That no claim for any money under this act shall be allowed unless the same is duly made and presented to the Department of the Interior of the United States within the period of three years from the date when such claim shall accrue, or from the date of the approval of this act: *And provided further*, That nothing herein contained shall be so construed as to affect any land lying within the primary limits of any railroad land grant where the road to which said grant was made has been constructed."

This bill amends section 2 of the act of June 16, 1880, in several particulars, but the most important amendment herein proposed is that extending to homestead and preemption settlers who paid double-minimum price for lands within the limits of railroad land grants that have been forfeited since such payment the relief hitherto granted by said section 2 of the act of June 16, 1880, to purchasers who paid such double-minimum price for land afterwards found not to be within the limits of railroad land grants.

The relief proposed by this amendment is limited to homestead and preemption settlers, while the present law affords relief to all purchasers who paid double-minimum price for lands not within railroad limits.

The proposed amendment is clearly in accord with the principle upon which the act of 1880 is based, namely, that it is unjust for the Government to retain double-minimum price for lands not benefited by the construction of a railroad within the prescribed distance of the lands for which such enhanced price was required and paid. If the act of 1880 (the present law) is just and equitable, the pending bill is equally so, and the Government should not further delay repayment of money for which the consideration contemplated by all parties at the time of purchase has not been given.

The enhanced price, \$2.50 per acre, was charged for lands in railroad grant

limits, partly to compensate the Government for land granted to the railroad, and because of the expected enhancement of the value of the lands by reason of the construction of a railroad near such lands. No other reason existed for requiring settlers to pay the advanced price; but the Government, by withdrawing the land grants from the railroad companies through acts declaring forfeiture, prevented construction of the roads and thereby deprived settlers of the benefits for which they paid such increased price. This fact has received legislative recognition in the laws reducing the price of unsold lands in such forfeited grants to the former price of \$1.25 per acre. A like reduction should be made in behalf of those who settled on lands within such limits prior to the declaration of forfeiture. This can only be done by repayment of the excess paid by such settlers, for which repayment provision is made in the pending bill.

It should be noted that this bill provides a limitation upon all claims arising under section 2 of the act of 1880, requiring all claims under said section as amended to be presented within three years from the time the same shall have accrued, or within three years after the passage of the bill herewith reported.

We submit herewith letters from the honorable Secretary of the Interior and from the honorable Commissioner of the General Land Office commending the bill as an equitable and just measure:

DEPARTMENT OF THE INTERIOR,
Washington, May 6, 1898.

SIR: I have the honor to acknowledge the receipt, by reference of your committee, on March 11, 1898, for views, of a copy of S. 747, entitled 'A bill to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands."'

In response to the reference, I inclose herewith a copy of the report on the bill by the Commissioner of the General Land Office, under date of the 5th instant.

The object of the bill is to return the double minimum excess paid by settlers under the preemption and homestead laws on lands in limits of railroad grants where the grants were forfeited for failure to construct the roads, and the Commissioner has expressed the opinion that, while its enactment into law would involve the expenditure of a considerable amount of money, the contemplated action is equitable and just.

The Commissioner is also of the opinion that the bill should be amended so as to allow repayment to the heirs and assigns of the entryman, and has suggested an amendment so that the bill shall not affect lands in the primary limits of any railroad land grant where such land-grant railroad has been constructed.

I concur in the views and suggestions of the Commissioner.
Very respectfully,

C. N. BLISS, Secretary.

The CHAIRMAN OF THE COMMITTEE ON PUBLIC LANDS, Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 5, 1898.

SIR: I have the honor to acknowledge receipt, by reference from the Department for early report in duplicate, of Senate bill 747, 'To amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands."'

The act sought to be amended is the act of June 16, 1880, second section (21 Stats., 287).

The proposed amendment is as follows, the amended portions being placed in brackets and the portions stricken out being underscored:

SEC. 2. That in all cases where homestead or timber culture or desert land entries or other entries of public lands have heretofore or shall hereafter be canceled for [or relinquished on account of] conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns [legal representatives], the fees and commissions, amount of purchase money, and excesses paid upon the same, upon the surrender of the duplicate receipt and the execution of a proper relinquishment to all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office; and in all cases where parties (as preemptors or homestead claimants) have paid double minimum price for land which has afterwards been found not to be within the limits of a railroad land grant [or which is within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made, which is adjacent to and coterminous with such lands], the excess of \$1.25 per acre shall in like manner be repaid to the purchaser thereof or to his heirs or assigns [but only to the original entryman thereof, or to his legal representatives: *Provided*, That no claim for any money under this act shall be allowed unless the same is duly made and presented to the Department of the Interior of the United States within the period of two years from the date when such claim shall accrue, or from the date of the approval of this act].

This act proposes to reimburse settlers under the preemption and homestead laws who have paid double minimum price for their lands for the reason that the same were within the limits of a railway land grant, in cases where the land grant was forfeited by reason of failure to construct that portion of the road in aid of which such grant was made, and which is adjacent to and coterminous with said lands.

The policy of charging double minimum for lands within the limits of a railway land grant was undoubtedly entered upon and carried out on the theory that the building of the road would enhance the value of the adjacent lands above that of lands not so situated, and that the purchaser and entryman, by reason of proximity to a line of railway, would derive benefits therefrom such as would justify the Government in charging him the increased price for the land. The advance from minimum to double minimum also reimbursed the Government for the land donated to the railroad company so far as the sections reserved from the donation were disposed of for cash.

By act of Congress approved September 29, 1890, the forfeiture to the United States of all lands theretofore granted to any State or corporation to aid in the construction of a railroad opposite to and coterminous with the portion of any such road not completed was declared; and such lands were declared to be a part of the public domain, except the right of way and station grounds theretofore granted.

Prior to such forfeiture, however, the lands within the limits of those grants adjacent and coterminous to the portions not constructed were disposed of at the double minimum price.

There seems to be no good reason why entrymen who paid the double minimum price under such conditions should not be reimbursed for the excess of payment and commissions. They entered and purchased these lands with the expectation that the railway would be constructed, and that therefore the lands would be worth the enhanced price paid, and the Government de-

manded the enhanced price on the theory that the lands would be more valuable by reason of railway construction, and that the Government would be to that extent reimbursed for the lands granted to the railways.

The roads were not constructed, therefore the entryman received no benefit by reason of his settlement within land-grant limits, and a forfeiture having been declared of the lands granted to the railway, the Government received back the granted lands, and therefore could not reasonably demand the enhanced price on the theory of reimbursement for the granting of the alternate sections.

It is true that these entries are in the nature of completed contracts, but they are contracts which the entryman entered into with the understanding that there was to be a railway constructed, and that he was to be benefited thereby.

Attention is called to the amendment in lines 15 and 16, page 2, of the printed bill, in striking out the words "heirs or assigns" and inserting in lieu thereof "legal representatives." It is not clear on what theory the change in phraseology was made.

The cases affected by this provision are those in which all claim and title to the land in the entryman or grantees under him are extinguished. Transfers in such cases are often made before the cancellation of the entry.

I am of opinion that the right to repayment should follow whatever claim or title there may be to the land under the entry for the protection of grantees under the entryman. When repayment is made it should be made to the party having whatever claim or title to the land vested in the entryman.

I am of opinion, therefore, that the bill should be so amended as to allow repayment to the assigns of the entryman, and I see no good reason why it should not be paid to the heirs if the heirs are the owners under the entryman of his claim and title to the land.

I would also call attention to the fact that in some cases where forfeitures have been declared because of the failure of the grantee to construct its road the limits of the unconstructed road overlap the primary limits of other grants over which roads have been constructed, and where such is the case the reason for the increase in price still exists and no repayment should be made.

I would therefore suggest that the bill be amended as follows:

"Nothing herein contained shall be so construed as to affect any land lying within the primary limits of any railway land grant where the road to which such grant was made has been constructed."

While the enactment of the proposed law would involve the expenditure of a considerable amount of money, I believe that the action contemplated is equitable and just.

Very respectfully,

BINGER HERMANN,
Commissioner.

Hon. C. N. BLISS,
Secretary of the Interior.

During the first session of the Fifty-fourth Congress a similar bill was before this committee and was favorably reported in Report No. 114, which is herewith submitted as a part of this report.

It is noteworthy that similar bills have been approved by Secretaries of the Interior of the last three Administrations.

[Senate Report No. 99, Fifty-fourth Congress, first session.]

Mr. McBRIDE, from the Committee on Public Lands, submitted the following report (to accompany S. 36):

The Committee on Public Lands, having had Senate bill 36 under consideration, and having duly considered the same, report it back with amendments and recommend its passage. The bill as amended reads as follows:

"A bill to amend an act entitled 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands.'"

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of an act entitled 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands,' approved June 16, 1880, be amended so as to read as follows:

"SEC. 2. That in all cases where homestead or timber culture or desert land entries or other entries of public lands have heretofore or shall hereafter be canceled or relinquished on account of conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his legal representatives, the fees and commissions, amount of purchase money, and excesses paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office; and in all cases where parties, as preemptors or homestead claimants, have paid double minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, or which is within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made, which is adjacent to and coterminous with such lands, the excess of \$1.25 per acre shall in like manner be repaid, but only to the original entryman thereof, or to his legal representatives: *Provided*, That no claim for any money under this act shall be allowed unless the same is duly made and presented to the Department of the Interior of the United States within the period of two years from the date when such claim shall accrue, or from the date of the approval of this act."

During the second session of the Fifty-third Congress a similar bill was before this committee and was favorably reported in Report No. 171, which is herewith submitted as a part of this report:

"The Committee on Public Lands having had the bill (S. 67) under consideration, and duly considered the same, report it back with amendments and recommend its passage. The bill as amended reads as follows:

"A bill to amend an act entitled 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands.'"

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of an act entitled 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands,' approved June 16, 1880, be amended so as to read as follows:

"SEC. 2. That in all cases where homestead or timber culture or desert land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses

paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office; and in all cases where parties as preemptors or homestead claimants have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, or which is within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made, which is adjacent to and coterminous with such lands, the excess of \$1.25 per acre shall in like manner be repaid, but only to the original entryman thereof, or to his heirs or personal representatives: *Provided*, That no claim for any money under this act shall be allowed unless the same is duly made and presented to the Department of the Interior of the United States within the period of two years from the date when such claim shall accrue, or from the date of the approval of this act.

"Section 2 of the act of June 16, 1880, is as follows:

"SEC. 2. In all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office and in all cases where parties have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, the excess of \$1.25 per acre shall in like manner be repaid to the purchaser thereof, or to his heirs or assigns."

"It will be seen that by the bill reported by the committee it is proposed to amend the act so as to limit the repayment of \$1.25 an acre to parties who have paid double-minimum price to homestead and preemption claimants, and also to provide a limitation as to all claims arising under the act. These provisions are restrictions and limitations of the original act.

"The retention of the act is provided for in the following words: 'Or which is within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made which is adjacent to and coterminous with such lands,' which, taken in connection with the contract, will entitle homestead and preemption claimants who have paid \$2.50 per acre for lands within the limits of forfeited railroad grants to have \$1.25 per acre refunded to them.

"It requires but few words to show that the principles of common honesty require the passage of this bill.

"The Government made grants of alternate sections of the public lands to aid in the construction of railroads. In order that there should be no loss to the Treasury and the purchasers of the lands not granted within the limits of the several grants should pay for the benefits to be derived by them from the construction of the railroads to be aided by the several grants, the price of the sections not granted was increased to \$2.50 an acre.

"The Government afterwards forfeited the grants, reduced the price of the forfeited lands and of the even sections within the limits of the grants to \$1.25. The railroads were not built. The consideration for the increased price of the lands failed. Purchasers within the limits of railroad grants were required to pay double the price that purchasers are now required to pay for adjacent lands where the grants have been forfeited.

"The Government retains the additional \$1.25 an acre notwithstanding it has taken back its grants and prevented the construction of the roads. There is not a court of equity in a civilized country which would not grant relief under similar circumstances between private parties.

"Annexed hereto will be found letters from Secretaries of the Interior and Commissioners of the General Land Office concerning the measure."

DEPARTMENT OF THE INTERIOR,
Washington, September 14, 1893.

SIR: I transmit herewith a report from the Commissioner of the General Land Office on Senate bill No. 67, entitled "A bill to amend an act entitled 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands,'" which was referred to this Department with request that the committee be furnished with its views thereon.

The effect of the amendment is to allow repayments in all cases where double minimum price was charged for lands within the limits of a railroad grant which has been or shall be forfeited by reason of the failure of the grantee to construct that portion of the railroad adjacent to and coterminous with such land.

The amendment is, in my opinion, just and proper.
Very respectfully,

Hon. JAMES H. BERRY,
Chairman Committee on Public Lands, United States Senate.

HOKE SMITH, Secretary.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., August 28, 1893.

SIR: I have the honor to acknowledge the receipt by reference of 22d instant from Hon. John M. Reynolds, Assistant Secretary, of Senate bill No. 67, entitled "A bill to amend an act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," approved June 16, 1880, submitted by Hon. JAMES H. BERRY, chairman of the Senate Committee on Public Lands, and referred to me as above for report in duplicate.

The second section of the act of June 16, 1880 (25 Stat. L., 287), provides for repayment of the excess paid on lands that have been sold as double-minimum land at \$2.50 per acre, and are afterwards found to have been outside of any railroad grant, and therefore subject to sale at \$1.25 per acre.

This bill proposes to extend the right of repayment of excess over \$1.25 per acre to entrymen whose entries are found to be "within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made, which is adjacent to and coterminous with such lands." A limitation clause not contained in the original act of June 16, 1880, is added, providing, "That no claim for any money under this act shall be allowed unless the same is duly made and presented to the Department of the Interior * * * within * * * two years from the date when such claim shall accrue, or from the date of the approval of this act."

As the law now stands, entrymen who paid double-minimum rate for land within granted railroad limits which were afterwards declared forfeited are held to be not entitled to repayment of double-minimum excess, while those

who made such entries subsequent to the passage of the forfeiture act are entitled to such repayment.

This bill will place the earlier entryman on an equal footing with the later in respect to repayment of double minimum excess. I see no objection to its passage.

The bill is herewith returned.
Very respectfully,

S. W. LAMOREUX,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, December 15, 1893.

SIR: I transmit herewith a report from the Commissioner of the General Land Office, giving a statement of the amount of appropriation likely to become necessary in the event of the passage of Senate bill No. 67, as requested by your letter of October 16, 1893.

Very respectfully,

HOKE SMITH,
Secretary.

Hon. J. H. BERRY,
Chairman of Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 16, 1893.

SIR: In response to your inquiry, I have to advise you that on February 25, 1892, this office, in reporting on a bill (H. R. 346) which proposed to repay to those persons who had paid the double minimum price for lands within the limits of grants for railroads which had thereafter been forfeited, made an estimate of the amount that would probably be required to satisfy claims opposite the portion of the Northern Pacific road which was declared forfeited by the act of September 29, 1890, and, taking that as a basis, estimated, roughly, the whole cost to the Government, in the event the bill became a law, at \$1,500,000.

The estimated cost given for claimants opposite the Northern Pacific forfeited line was given as \$200,000. A hurried examination of the records has now been made and it is found that \$265,200 will probably be required.

This, in my opinion, does not change the general estimate given at \$1,500,000.

Very respectfully,

S. W. LAMOREUX,
Commissioner.

Hon. J. N. DOLPH,
United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., October 30, 1893.

SIR: I have the honor to acknowledge the receipt, by reference from the Department for report, of a letter from the Hon. J. H. BERRY, chairman of the Senate Committee on Public Lands, referring to Senate bill No. 67, a report on which was submitted on August 28, 1893, and asking the amount of appropriation likely to become necessary in the event of the passage of said bill.

In reply, I have to advise you that to determine accurately the amount which would be required to satisfy claims under said bill, should it become a law, would require an examination of the lands lying opposite the forfeited portions of all land-grant railroads, and in the present condition of the clerical force of this office would require several months' time. The amount of the cost, however, has been estimated, and was given in my report of September 22, 1893, on Senate bill 617, "for the relief of purchasers from the United States of lands in the even-numbered sections within the forfeited portions of railroad grants," as \$1,500,000, if said bill 617 should be amended as suggested, which would have made the amount of appropriation necessary practically the same as would be required should bill 67 become a law.

It is proper to say, in this connection, that while this office recommended the passage of Senate bill 67, and had on two previous occasions recommended the passage of similar bills, Senate bill 622, report of January 30, 1892, and House bill 340, report of February 25, 1892, after further and more careful consideration it reached a different conclusion, and recommended that Senate bill 617, aforesaid, be not passed.

Mr. Berry's letter is herewith returned.

Very respectfully,

S. W. LAMOREUX,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 17, 1890.

SIR: I am in receipt, by reference, of Senate bill 3797, providing that in all cases where parties have paid double-minimum price for land on account of any grant of land to aid in the construction of railroads, and such grant has been forfeited because of failure to construct such railroad, the excess of \$1.25 per acre shall be repaid to the purchaser thereof, or to the heirs or assigns.

I approve of the provisions of the bill.

Very respectfully,

JOHN W. NOBLE,
Secretary.

Hon. P. B. PLUMB,
Chairman Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 12, 1890.

SIR: I have the honor to acknowledge the receipt, by your reference, of Senate bill No. 3797, from the Hon. P. B. Plumb, chairman of the Committee on Public Lands, United States Senate, for report thereon in duplicate.

After a careful examination of the bill, I approve of its provisions, and it should become a law.

This bill is herewith returned.

Very respectfully,

LEWIS A. GROFF,
Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1892.

SIR: I am in receipt, by reference from you, of Senate bill No. 622, entitled "A bill to amend 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands.'"

I transmit the report of the Commissioner of the General Land Office on said bill.

The effect of the amendment is to place upon an equal footing a class of

persons, a portion of whom have paid double-minimum price and a portion of whom have paid single-minimum price for the same class of lands.

In my opinion, the provision in the bill limiting the time in which a claim may be presented is wise and proper.

Very respectfully,

JOHN W. NOBLE,
Secretary.

Hon. J. N. DOLPH,
Chairman Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 30, 1892.

SIR: I have the honor to acknowledge receipt, by reference of the 19th instant, from Hon. George Chandler, First Assistant Secretary, of Senate bill No. 622, entitled "A bill to amend 'An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands,'" approved June 16, 1880, submitted by Hon. J. N. Dolph, chairman of the Senate Committee on Public Lands, and referred to me as above for report in duplicate.

The second section of the act of June 16, 1880, provides for repayment of the excess paid on lands that have been sold as double-minimum lands at \$2.50 per acre and are afterwards found to have been outside of any railroad grant, and therefore salable at \$1.25 per acre.

This bill proposes to extend the right of repayment of excess over \$1.25 per acre to entrymen whose entries are found to be "within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad, in aid of which such grant was made, which is adjacent to and coterminous with such lands."

A limitation clause, not contained in the original act of June 16, 1880, is added, providing "that no claim for any money under this act shall be allowed unless the same is duly made and presented to the Department of the Interior * * * within * * * two years from the date when such claim shall accrue or from the date of the approval of this act."

As the law now stands, entrymen who paid double-minimum rates for lands within granted railroad limits, which were afterwards declared forfeited, are held to be not entitled to repayment of double-minimum excess, while those who made such entries subsequent to the passage of the forfeiture act are entitled to such repayment.

This bill will place the early entryman on an equal footing with the later in respect to repayment of double-minimum excess. I see no objection to its passage.

The bill is herewith returned.

Very respectfully,

THOS. H. CARTER,
Commissioner.

The SECRETARY OF THE INTERIOR.

ELLEN J. CLARK.

The bill (S. 1643) granting an increase of pension to Ellen J. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" and in line 9, after the word "receiving," to insert "and \$2 per month additional on account of the minor child of the said Henry W. Clark until he reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen J. Clark, widow of Henry W. Clark, late of Company K, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of the said Henry W. Clark until he reaches the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY KING.

The bill (H. R. 7811) granting a pension to Mary King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary King, dependent mother of Michael King, late of Company E, Fourth Regiment Iowa Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BONA FIDE SETTLERS IN FOREST RESERVES.

The bill (H. R. 3084) for the relief of bona fide settlers in forest reserves was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 2, line 8, after the word "period," to insert:

The benefits of this act shall extend to bona fide claims already received by the local land offices after the statutory period, and for which patents have not issued, provided the settlers have complied with the provisions of the law except as to the time of filing their claims.

So as to make the bill read:

Be it enacted, etc., That where a claimant under the settlement laws of the United States within the limits of a forest reserve created under the provisions of section 24 of the act of March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," has failed, by reason of ignorance of the proclamation of the President, or of the filing of the township plat of survey, or from unavoidable accident or conditions, or from misunderstanding of the law, to place his claim of record within the statutory period, such claimant may be permitted within a period of two years from and after the passage of this act to file his claim in the proper United States land office and receive patent therefor upon showing due compliance with the law under which the claim is asserted, notwithstanding the reservation, provided that he made bona fide settlement upon the land claimed prior to the date of the proclamation establishing the forest reserve and maintained continuous residence thereon for the requisite period. The benefits of this act shall extend to bona fide claims already received by the local land offices after the

statutory period, and for which patents have not issued, provided the settlers have complied with the provisions of the law except as to the time of filing their claims.

The amendment was agreed to.

Mr. KEAN. Let the report be read in that case.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. GAMBLE March 26, 1902, as follows:

The Committee on Public Lands, to whom was referred the bill (H. R. 3084) for the relief of bona fide settlers in forest reserves, having had the same under consideration, agree to report it back with the recommendation that the same do pass with the following amendment:

After the word "period," line —, on page 2, add the following:

"The benefits of this act shall extend to bona fide claims already received by the local land offices after the statutory period, and for which patents have not issued, provided the settlers have complied with the provisions of the law, except as to the time of filing their claims."

The passage of this bill is recommended by the Commissioner of the General Land Office. A bill identical in its provisions, being Senate bill 2306, passed the Senate on the 30th day of January, 1902, except only as to amendments hereinafter referred to, by which it was sought to make the provisions of the bill more plain and to place a limitation of two years upon the right granted by the bill. Your committee is informed, since the introduction and passage of the measure, that a number of settlers upon the Black Hills Forest Reserve had placed their claims of record with the local land office and proof in support thereof had been submitted and received. It was held subsequently by the General Land Office that under the operation of the act of March 3, 1891, these filings should not have been received by the local land office, and their further adjudication has been suspended and they are now held awaiting the action of the pending measure. It is thought by your committee that the original bill did not cover these cases and that it should be made applicable to them as well as to those who have not yet placed their claims of record with the local land office. Your committee submits and adopts as a part of its report the report of the Committee on the Public Lands of the House, accompanying this bill.

"This bill was introduced upon recommendation of the honorable Commissioner of the General Land Office to afford relief to a class of worthy settlers who had established their homes upon various forest reserves in advance of the date of the establishment of such reservations, but who, from different causes, have been prevented from perfecting their titles. This subject is considered by the Commissioner in his last annual report to the Secretary of the Interior for the fiscal year ending June 30, 1901, at pages 137, 138, and 139. The present bill in the form in which it was introduced is set forth on page 139 of the Commissioner's report and recommended by the Commissioner for the consideration of Congress.

"Various forest reserves have been created throughout the Western States by Presidential proclamations pursuant to the act of March 3, 1891. That act protected the right of actual bona fide settlers upon territory that might be set aside for forest reserves, provided settlement in such cases should have been made prior to the date of the creation of the reserve; but permitted no settlements to be made after the proclamation of the President.

"The territory appropriated for these various forest reserves had been in many instances open to settlement for several years. The timber in such reservations is found uniformly growing upon the mountains, while the gulches and narrow valleys are generally devoid of timber. These valleys are commonly fertile and present desirable opportunities to settlers. In these valleys hundreds of settlers had established their homes prior to the dates of the creation of forest reserves.

"In many localities the lands were unsurveyed at the time of the creation of the forest reservations so that settlers had had no opportunity to make their entries at the land office. Later the Government surveys were had and the usual plats filed in the various land offices.

"The general law provides that settlers upon the public lands shall make their homestead entries at the district land office within three months after the filing of the plats of the official survey in the land office of the district in which the lands are situated. The uniform interpretation of this provision of the law by the Department has been that the failure upon the part of the settler to make his entry at the land office during the period of three months after the filing of the official plat did not work a forfeiture of his claim; that the only effect of such failure was to subject the settler to a possible adverse claim of some other settler who might seek to appropriate the same land, and that as against the Government the original settler could make his entry at any time subsequent to the three months' period with the same effect as though his entry had been offered within that period.

"There appears to have been a general impression among the settlers within the boundaries of forest reservations that these same rules would apply to their settlements, and that they could make their entries at the land offices as well after the expiration of the three months' period from the date of the filing of the official plats, provided that no adverse settlement should be made upon their lands. For this reason many bona fide settlers did not offer their filings until after the period of three months had expired. Many other settlers received no notice of the filing of the official plats, and had no knowledge of such filing until after the three months' period had expired. Others were prevented from making their entries within the three months' period by other unavoidable accidents.

"As a rule these are old-time settlers, many of them having made their homes upon their claims for from fifteen to twenty years, having made valuable improvements upon them. And these improvements are, practically, all that they possess, representing the labor and accumulation of years. They were not able to make their entries during the years referred to from the fact that the Government surveys had not yet been extended over their lands. When the surveys were in fact completed they failed to offer their entries within the period of three months thereafter by reason of the conditions herein referred to.

"After the three months' period had expired such settlers in large numbers presented their entries at the local land offices. The honorable Commissioner of the General Land Office, when such cases were presented, held that the filings could not be made, upon the ground that the Presidential proclamation establishing the forest reserves amounted to an appropriation of the lands adverse to the settlers, and that, as a matter of legal interpretation, the settlers would be left in the same position as though another settler had subsequently appropriated his lands. Upon appeal, the honorable Secretary of the Interior has placed the same interpretation upon the existing law. The officials of the Interior Department have, therefore, considered that the relief can be given to these settlers only by act of Congress. They, however, consider that relief should be given these settlers and cordially recommend this legislation.

"This bill is designed to relieve a most worthy class of settlers, whose cases come entirely within the spirit of our settlement laws. By reason of conditions for which they are not justly responsible, they have been deprived of an opportunity to enter their lands. In many instances these are the pioneer settlers who have braved the dangers and hardships of life upon

our frontiers to establish a home for themselves and their families. It would be in the nature of a public as well as a private calamity to deprive them of their homes.

"The committee recommends two slight amendments for the purpose of more clearly expressing the purposes of the act and in order to place a limitation upon the time in which the settlers referred to must complete their entries:

"After the word 'accident,' in line 10, page 1 of the bill, insert 'or conditions, or from misunderstanding of the law;' and after the word 'permitted,' in line 11, page 1, insert 'within a period of two years from and after the passage of this act.'

"The committee recommends that the bill as amended be passed."

[Extract from the report of the honorable Commissioner of the General Land Office, 1901, pp. 137, 138, and 139.]

BONA FIDE SETTLERS ON FOREST RESERVES.

In the creation of forest reserves under section 24 of the act of March 3, 1891, the lands within the boundaries described are all reserved, subject to any claim existing adverse to the United States. In each proclamation is placed the following excepting clause:

"Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, or settlement was made.

"Warning is hereby expressly given to all persons not to make settlement upon the tract of land reserved by this proclamation."

Where settlers within the limits of the reserves make their filings of record within three months after the date of settlement, in the case of surveyed lands, and within three months after the date of filing the township plat in the local land office, in the case of unsurveyed lands, there is no difficulty in the matter of the completion of their claims, for the reason that they have complied with the provisions of the act of May 14, 1890, enacted to protect settlers from adverse claimants. But there is a class of claimants who, from ignorance, carelessness, and one reason or another, have failed to observe the requirements of the act of 1890, and their claims are, therefore, rejected because of the existence of the forest reserve, which has intervened to cut off their undisputed claim to lands upon which they may have settled. In many of these cases it is a real hardship upon the claimants, for the reason that they have in good faith settled upon lands which were vacant and open to settlement at the time of their location, and upon which they have spent years of labor, improvement, and cultivation, and for which they could obtain title but for the existence of the forest reservation.

These cases coming up on appeal for adjudication, the Department has uniformly decided that the parties having failed to observe due diligence in getting their claims of record within the statutory period, as required by the excepting clause of the proclamation, they must fail for the reason that the forest reserve is to be considered as an adverse claim within the meaning of the act of May 14, 1890.

In the recent case of Joshua Smith, decided August 5, 1901, the Department, in passing upon this subject, stated:

In this case there is no individual adverse claimant, but the Government, by its Chief Executive, has claimed all the land within the boundaries of said reservation for a specific purpose, excepting only the lands coming within the above category; and the Executive order, reserving the land for a specific public purpose, must be held to be at least as effective upon the claim of the settlers as would be the adverse claim of one who wished the land for his own use.

It has also been held that, in view of the plain terms of the proclamation creating a reservation, a claimant who fails to assert his claim within the statutory period can get no relief through the Executive authority.

While it is doubtless true that many fraudulent claims are intentionally initiated in forest reserves, particularly with the prospect in view of obtaining the valuable right of the selection of other lands in lieu of lands relinquished in forest reserves, it is also true that there are honest settlers who have devoted years of toil and hardship to the establishment of homes, whose claims have been embraced in forest reserves unknown to them, and who, through ignorance or a misunderstanding of the requirements of the law, or of inability to obtain information promptly in remote localities, have failed to get their claims of record within the required period. These people ought not to be allowed to suffer because of the necessarily strict construction of the proclamations creating the reserves, and some relief should be afforded them.

In view of the fact that all claims within forest reserves can be carefully investigated under such regulations as the Department sees fit to require, prior to the final adjudication of the same, all cases where there is any attempt at fraud, either in the assertion of a settlement subsequent to the creation of the reservation or in evading other requirements of the settlement law, can readily be detected and the claims rejected; and likewise it can be ascertained to the satisfaction of the Department what claims are, in fact, bona fide and just.

With this view of the matter, and for the purpose of relieving deserving bona fide settlers within forest reserves, whose claims are barred by reason of the creation of the reservation, as above set forth, I respectfully suggest the following proposed legislation for their relief, and recommend that it be presented to Congress for consideration, viz:

A bill for the relief of bona fide settlers in forest reserves.

Be it enacted, etc., That where a claimant under the settlement laws of the United States, within the limits of a forest reserve created under the provisions of section 24 of the act of March 3, 1891, entitled "An act to repeal timber-culture laws and for other purposes," has failed by reason of ignorance of the proclamation of the President, or of the filing of the township plat of surveys, or from unavoidable accident, to place his claim of record within the statutory period, such claimant may be permitted to file his claim in the proper United States land office and receive patent therefor upon showing due compliance with the law under which the claim is asserted, notwithstanding the reservation, provided that he made bona fide settlement upon the land claimed prior to the date of the proclamation establishing the forest reserve and maintained continuous residence thereon for the requisite period.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

TITLE OF SOUTH DAKOTA IN CERTAIN LANDS.

The bill (S. 4450) confirming in the State of South Dakota title to a section of land heretofore granted to said State was considered as in Committee of the Whole. It proposes that the title of the State of South Dakota to the section of land described in section 3 of chapter 1257 of the act of Congress approved October 1, 1890, be confirmed and made absolute in that State freed from the conditions therein imposed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAVANNAH RIVER BRIDGE.

The bill (H. R. 11409) to authorize the construction of a traffic bridge across the Savannah River from the mainland within the corporate limits of the city of Savannah to Hutchinsons Island in the county of Chatham, State of Georgia, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to add the following as a new section:

SEC. 3. That the bridge constructed, maintained, and operated under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal, telegraph, and telephone purposes over said bridge; and all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across said bridge.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HORATIO N. WARREN.

The bill (H. R. 2120) granting an increase of pension to Horatio N. Warren was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horatio N. Warren, late Lieutenant-colonel One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN W. MOORE.

The bill (H. R. 9821) granting a pension to John W. Moore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Moore, late of Company K, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$8 per month and such higher rate or rates of pension as he may hereafter show himself to be entitled to under existing pension laws, the same to be paid to him without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read in that case, Mr. President.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. DEBOE March 26, 1902, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9821) granting a pension to John W. Moore, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives is as follows:

"The records of the War Department show that the beneficiary named in this bill, now 68 years of age, served as a private in Company K, Eightieth Ohio Infantry, from January 3, 1862, to January 11, 1865, when honorably discharged, and that he again served as second lieutenant in Company A, One hundred and ninety-seventh Ohio Infantry, from April 12, 1865, to July 31, 1865, when honorably mustered out; that these records further show that while a member of the Eightieth Ohio he was on sick leave in Ohio in September and October, 1863.

"He first applied for pension in March, 1887, alleging that he contracted chronic diarrhea and resulting piles while a second lieutenant in the One hundred and ninety-seventh Ohio Volunteers in May, 1865, and upon due proof he was pensioned for said disabilities as a second lieutenant in the One hundred and ninety-seventh Ohio Infantry at one-half of total of his rank, namely, \$8, from March 9, 1887, and this rating was increased to \$12 from April 15, 1891.

"In 1892 he filed a claim on account of additional disabilities, namely, catarrh of the head and throat, and deafness. During the special examination of that claim it appeared from evidence adduced on said examination,

including the pensioner's own sworn statement, that he incurred the chronic diarrhea for which he was pensioned while serving as a private in the Eightieth Ohio in 1863 and not while serving as second lieutenant in 1865 in the One hundred and ninety-seventh Ohio, and consequently the Pension Office held that the allowance of his pension based upon rank of second lieutenant had been erroneous and contrary to law and made a reissue of his pension certificate, allowing him, instead of the pension of \$8 per month which he had received from March 9, 1887, a pension of \$4 per month from that date, and instead of \$12 per month from April 15, 1891, a rating of \$6 from the last-named date, and the Government has withheld this pension until a sum accrues sufficient to reimburse the Government for the amount erroneously paid and based upon the rank of second lieutenant.

"On October 17, 1900, the Pension Bureau again increased his pension to \$8 per month from August 1, 1900, on account of the pensioned causes.

"It will thus be seen that the soldier has not been drawing any pension since September, 1899, and that it will still take about seven years before he will have reimbursed the Government in the amount held to have been erroneously drawn.

"The soldier testified in 1899 that he believed his statement that his disability arose while he was a private was strictly true, and that it was also true that he remained in the service until 1865, and that it seemed to him that the mere fact that his disability which arose in the former part of his service, and which was greatly exaggerated by the latter part of his service, should not deprive him from the lieutenant's pension, inasmuch as it made his recovery to health impossible.

"The claim on account of the new disabilities named above—namely, catarrh of the head and throat and deafness—was rejected by the Pension Bureau in March, 1899, upon the ground of no record evidence of the existence of the alleged disabilities in the service, no medical evidence in the service or at discharge, and the best obtainable testimony, aided by a special examination, having failed to establish origin in the service of said disabilities.

"An examination of the testimony obtained by the special examiner as to the new disabilities shows that the action of the Pension Bureau rejecting said claim was proper, some of the witnesses who testified *ex parte* having repudiated their affidavits as to the existence of these new disabilities in the service, and others testified merely from hearsay.

"As stated above, the Pension Bureau held, October 17, 1900, that this soldier was entitled to a pension of \$8 per month for chronic diarrhea, piles, and resulting disease of the rectum, and this action was based upon the certificate of medical examination made August 1, 1900, which examination, aside from the disability arising from diarrhea and disease of the rectum, rated him \$8 for rheumatism, \$6 for catarrh, \$6 for disease of the heart, and \$6 for severe deafness of the right ear.

"Under the law the action of the Pension Bureau in reducing this soldier's pension and pensioning him according to the rank he held at the time of the incurrance of the disability for which he is on the rolls was undoubtedly correct, but the soldier committed no fraud, believing, and perhaps correctly so, that his subsequent services as a commissioned officer aggravated the disabilities which he contracted as an enlisted man.

"Under these circumstances your committee believes that the Government should not hereafter reimburse itself out of the pension to which this soldier is now entitled, or to which he may hereafter show himself to be entitled, for the money erroneously drawn as of the rank of lieutenant, and that hence relief by Congress is warranted to that extent, and the bill is reported back with the recommendation that it pass."

Your committee adopt the foregoing report and recommend the passage of the bill when amended as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Moore, late of Company K, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$8 per month and such higher rate or rates of pension as he may hereafter show himself to be entitled to under existing pension laws, the same to be paid to him without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SCHOOLS OF MINING AND METALLURGY.

The bill (S. 634) to apply a portion of the proceeds of the sale of the public lands to the endowment, support, and maintenance of schools or departments of mining and metallurgy in the several States and Territories in connection with the colleges for the benefit of agriculture and the mechanic arts established in accordance with the provisions of an act of Congress approved July 2, 1862, was announced as next in order.

Mr. McCUMBER. I ask that that bill may go over and that it be placed under Rule IX, if that be the proper motion to make regarding it. The bill is one that will require some debate.

The PRESIDENT pro tempore. On the objection of the Senator from North Dakota, the bill goes over under Rule IX.

CHIPPEWA INDIANS OF MINNESOTA.

The bill (S. 4284) to amend an act entitled "An act for the relief and the civilization of the Chippewa Indians, in the State of Minnesota," approved January 14, 1889, was announced as next in order, and the Secretary proceeded to read the bill.

Mr. CULLOM. This seems to be a very long bill. I understand the author of the bill is not present. I think we may as well pass it over without losing its place.

The PRESIDENT pro tempore. The bill will go over, retaining its place.

A. W., ALIAS WASHINGTON, HUNTLEY.

The bill (S. 1451) to correct the military record of A. W., alias Washington, Huntley was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military

Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President be, and he is hereby, authorized to review and revoke the order of February 15, 1865, dismissing First Lieut. Washington A. Huntley, Ninth United States Colored Troops, from the service for absence without leave, and to cause to be issued to him a certificate of discharge as of January 23, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRANSFER OF LAND TO QUINCY, ILL.

The bill (H. R. 6196) transferring a lot in Woodland Cemetery to city of Quincy, Ill., was considered as in Committee of the Whole. It authorizes the Secretary of War to convey to the city of Quincy, Ill., all the right, title, and interest of the United States in lot No. 33, block 1, in Woodland Cemetery, in the county of Adams and State of Illinois.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. ANTLITZ.

The bill (H. R. 610) to correct the military record of John F. Antlitz was considered as in Committee of the Whole. It proposes to correct the military record of John F. Antlitz, of Company H, First Regiment South Dakota Volunteer Infantry, so that it will show that he was discharged in consequence of physical disability contracted subsequent to his enlistment, and to grant him an honorable discharge of date June 22, 1898, and to allow him travel pay and allowances.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LABELING OF WINE AND FOOD PRODUCTS.

The bill (S. 1347) for the proper labeling of wine purporting to be champagne was announced as the next business in order on the Calendar.

Mr. McCUMBER. I ask that the bill and the succeeding one, being the bill (H. R. 9960) to prevent a false branding or marking of food and dairy products as to the State or Territory in which they are made or produced may go over.

The PRESIDENT pro tempore. Retaining their places?

Mr. McCUMBER. Yes; sir.

The PRESIDENT pro tempore. Objection being made, the bills will go over, retaining their places on the Calendar.

UTAH INDIAN WAR VETERANS.

The bill (S. 3797) authorizing the Secretary of War to deliver old pieces of ordnance to the Indian War Veterans was considered as in Committee of the Whole. It authorizes the Secretary of War to deliver to the Utah Indian War Veterans three pieces of old field ordnance, with gun carriages, caissons, and harness, complete.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF THE LATE MAJ. GEN. ALEXANDER MACOMB.

The joint resolution (S. R. 23) authorizing the Secretary of War to furnish condemned cannon for a statue of the late Maj. Gen. Alexander Macomb, United States Army, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Military Affairs with an amendment, after the word "proper" at the end of line 6, to insert "not to exceed 7,000 pounds in weight;" so as to make the joint resolution read:

Resolved, etc. That the Secretary of War be, and is hereby, authorized to deliver to mayor of the city of Detroit, Mich., if the same can be done without detriment to the public service, such condemned bronze cannon as he may deem proper, not to exceed 7,000 pounds in weight, to be used in the erection of a monument to the memory of the late Maj. Gen. Alexander Macomb, United States Army.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

SIGNING OF LETTERS PATENT FOR INVENTIONS.

The bill (H. R. 12095) to amend section 4883 of the Revised Statutes, relating to the signing of letters patent for inventions, was considered as in Committee of the Whole. It proposes to amend the section so as to read as follows:

Sec. 4883. All patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall be signed by the Commissioner of Patents, and they shall be recorded, together with the specifications, in the Patent Office in books to be kept for that purpose.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORGANIZATION OF VOLUNTEER ARMY OF THE UNITED STATES.

The bill (S. 3821) to extend the time for presentation of claims under the act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and under acts amendatory thereof, was considered as in Committee of the Whole. It proposes that the time within which all claims for reimbursement under the act referred to, and under acts amendatory thereof, are to be presented shall be extended to January 1, 1903.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. HAWLEY.

The bill (S. 4572) to grant an honorable discharge from the military service to Charles H. Hawley was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, in line 9, to strike out the word "hereafter" and insert "thereafter;" so as to read:

That the Secretary of War be, and he is hereby, authorized to review and to revoke the order dismissing Charles H. Hawley from the service as a second lieutenant of the Sixteenth Regiment of Connecticut Volunteer Infantry, and to issue a certificate of honorable discharge for him, to date from the 25th day of January, 1863, and that said Hawley shall thereafter be held and considered to have been honorably discharged from the military service of the United States on said date.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MINERS' HOME.

The bill (S. 3984) granting land for a miners' home was considered as in Committee of the Whole. It proposes to grant the following-described tract of land to Larence Scanlon, trustee of the Miners' Home of Salt Lake City, Utah: Beginning at the southwest corner of the Fort Douglas Military Reservation, in Salt Lake County, State of Utah, running thence along the south boundary line of said reservation 80 rods; thence north 40 rods; thence west to the west boundary line of said reservation, 80 rods; thence south along the said west boundary line 40 rods to the place of beginning, containing an area of 20 acres, to be used as a site for the construction and maintenance of a home for miners.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF THE RULES.

The resolution (S. R. 179), "Resolved, That Rule XIX be amended by inserting at the beginning of clause 2 thereof the following: 'No Senator in debate shall directly or indirectly by any form of words impute to another Senator, or to other Senators, any conduct or motive unworthy or unbecoming a Senator; no Senator in debate shall refer offensively to any State of the Union,'" was announced as the next business on the Calendar.

Mr. GALLINGER. Let the resolution go over, Mr. President.

The PRESIDENT pro tempore. It will go over.

LEVI H. WINSLOW.

The bill (H. R. 1714) granting an increase of pension to Levi H. Winslow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi H. Winslow, late of Company A, Twelfth Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA STEWART.

The bill (H. R. 10289) granting a pension to Eliza Stewart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "living," to strike out "still;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Stewart, widow of Hugh Stewart, late of the U. S. S. *Great Western*, United States Navy, and pay her a pension at the rate of \$8 per month, such pension, however, to cease upon proof that the said Hugh Stewart is living.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ALBERT S. WHITTIER.

The bill (H. R. 1190) granting an increase of pension to Albert S. Whittier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert S. Whittier, late of Company L, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATTHEW C. MEDBURY.

The bill (H. R. 6438) granting an increase of pension to Matthew C. Medbury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matthew C. Medbury, late of Company E, Twelfth Regiment Rhode Island Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. WHITE.

The bill (H. R. 1706) granting an increase of pension to John E. White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. White, late of Company K, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MICHAEL FARRELL.

The bill (H. R. 1503) granting an increase of pension to Michael Farrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Farrell, late of Company K, Eighty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HOLLISTER.

The bill (H. R. 10193) granting an increase of pension to John Hollister was considered as in the Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "fifteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hollister, late of Company C, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$15 per month in lieu of that he is now receiving.

Mr. GALLINGER. Let that be "twenty" instead of "fifteen." Amend it by striking out "twenty-four" and inserting "twenty."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARIA L. GODFREY.

The bill (S. 4740) granting an increase of pension to Maria L. Godfrey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria L. Godfrey, widow of Alfred C. Godfrey, late chaplain Twentieth Regiment Maine Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EUNICE A. SMITH.

The bill (S. 4749) granting an increase of pension to Eunice A. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "receiving," to insert "and \$2 per month additional on account of the minor child of the said Frederick R. Smith until he reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Eunice A. Smith, widow of Frederick R. Smith, late commander, United States Navy, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving and \$2 per month additional on account of the minor child of the said Frederick R. Smith until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IDA M. WARREN.

The bill (S. 319) granting a pension to Ida Warren was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida M. Warren, widow of Charles Warren, late second lieutenant Company H, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$15 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Ida M. Warren."

MATILDA R. SCHOONMAKER.

The bill (S. 3091) granting an increase of pension of Matilda R. Schoonmaker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause, and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda R. Schoonmaker, widow of Cornelius M. Schoonmaker, late captain, United States Navy, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN S. HARROWER.

The bill (S. 2289) granting an increase of pension to Benjamin S. Harrower was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin S. Harrower, late captain Battery G, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED H. VAN VLIET.

The bill (H. R. 5413) granting an increase of pension to Alfred H. Van Vliet was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to insert "first lieutenant and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred H. Van Vliet, late first lieutenant and adjutant, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving, such pension to be paid to his duly constituted guardian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LORENZO BLACKMAN.

The bill (H. R. 6687) granting an increase of pension to Lorenzo Blackman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo Blackman,

late of Company G, Seventy-second Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD S. DICKINSON.

The bill (H. R. 3180) granting an increase of pension to Edward S. Dickinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward S. Dickinson, late first lieutenant Company B, Tenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM G. JOHNSON.

The bill (H. R. 3275) granting an increase of pension to William G. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Johnson, late of Company F, Sixteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OTILLIA M. SMOOT.

The bill (H. R. 2770) granting an increase of pension to Otillia M. Smoot was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Otillia M. Smoot, widow of George W. Smoot, late acting master's mate, United States Navy, and to pay her a pension of \$17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. ROWE.

The bill (H. R. 8696) granting an increase of pension to William B. Rowe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. Rowe, late of Company A, Ninth Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES MISNER.

The bill (H. R. 918) granting an increase of pension to Charles Misner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Misner, late of Company A, Sixth Regiment Michigan Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. MACKEY.

The bill (H. R. 5327) granting an increase of pension to William H. Mackey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Mackey, late of Company D, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM R. ARMSTRONG.

The bill (H. R. 10141) granting an increase of pension to William R. Armstrong, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Armstrong, late of Company F, Tenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

URIAH REAMS.

The bill (H. R. 7990) granting an increase of pension to Uriah Reams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Uriah Reams, late of Company F, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ABRAHAM N. BRADFELD.

The bill (H. R. 11381) granting an increase of pension to Abraham N. Bradfield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham N. Bradfield, late of Company I, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY BEALS.

The bill (S. 4514) granting an increase of pension to Mary Beals was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "the late;" in the same line, before the word "second," to insert "late," and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Beals, widow of Jerome Beals, late second lieutenant Company E, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INEZ E. PERRINE.

The bill (S. 3108) granting an increase of pension to Inez E. Perrine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve," and in line 10, after the word "receiving," to insert "and \$2 per month additional on account of the minor child of said Thomas A. Perrine until he reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Inez E. Perrine, widow of Thomas A. Perrine, late of Company G, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving and \$2 per month additional on account of the minor child of said Thomas A. Perrine until he reaches the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. ROBINSON.

The bill (S. 4381) granting an increase of pension to John S. Robinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Robinson, late of Company G, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. COCKRELL. Let the report in the case be read.

The Secretary read the report submitted by Mr. PATTERSON March 31, as follows:

The Committee on Pensions, to whom was referred the bill (S. 4381) granting an increase of pension to John S. Robinson, have examined the same and report:

This bill as amended proposes to increase from \$12 to \$30 per month the pension of John S. Robinson, late of Company G, First Regiment Colorado Volunteer Cavalry.

Mr. Robinson served from September 25, 1861, to March 17, 1863. He was discharged for disability due to chronic rheumatism and scurvy. He is 74 years of age, and is now resident at East Livermore, Me.

Mr. Robinson is receiving a pension of \$12 per month under the act of June 27, 1890, for disease of mouth, injury to left hand, and debility. He made claim under the general law August 31, 1891, alleging that he contracted scurvy at Fort Craig, N. Mex., in August, 1862, and that the same had resulted in disease of stomach. This claim was allowed June 11, 1898, for disease of

mouth, result of scurvy, at the rate of \$6 per month, but no certificate for this pension was issued for the reason that the claimant was already in receipt of \$12 per month under the act of June 27, 1890.

Mr. Robinson is a complete mental and physical wreck. He is suffering from senile dementia and requires constant care and attention. He has not been out of the house for a year. He has been of unsound mind for the last ten years. While his wife was alive she cared for him as if he were a child, but she died about four years ago, and since then he has become completely broken down, both mentally and physically. For a while he was confined in an insane asylum at Pueblo, Colo., for his better protection, and remained there until some relatives took him under their charge. He has no income except his pension and is entirely dependent.

These facts are all substantiated by evidence filed with the bill. Considering his great age, his faithful service, his poverty, and his almost helpless condition, your committee are of the opinion that an increase of his pension would be eminently just and proper.

The bill is reported back favorably with a recommendation that it pass when amended as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Robinson, late of Company G, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving."

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS S. ROWAN.

The bill (S. 2943) granting a pension to Thomas S. Rowan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas S. Rowan, late of Company I, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas S. Rowan."

WILLIAM C. DAVID.

The bill (S. 181) granting an increase of pension to William C. David was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. David, late of Company A, Eleventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES SCANNELL.

The bill (S. 3672) granting an increase of pension to James Scannell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Scannell, late of Company E, Fourth Regiment Pennsylvania Volunteer Cavalry, and Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN REEP.

The bill (H. R. 9791) granting an increase of pension to John Reep was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Reep, late of Company B, One hundred and fifty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES A. BRAMBLE.

The bill (H. R. 8048) granting an increase of pension to James A. Bramble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James A. Bramble, late of Company B, Eightieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BARBARA M'DONALD.

The bill (H. R. 9301) granting an increase of pension to Barbara McDonald, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, after the word "however," to strike out:

That in the case of the death of the helpless child, Robert McDonald, on whose account the pension of Barbara McDonald is increased, the pension of said Barbara McDonald shall continue only at the rate of \$12 per month from and after the date of death of said helpless child;

And insert:

That in the event of the death of Robert McDonald, helpless and dependent son of said soldier, Robert McDonald, the additional pension herein granted shall cease and determine;

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Barbara McDonald, widow of Robert McDonald, late of Company D, Eighth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided, however,* That in the event of the death of Robert McDonald, helpless and dependent son of said soldier, Robert McDonald, the additional pension herein granted shall cease and determine.

Mr. GALLINGER. I move that the words "Robert McDonald," after the words "said soldier," in line 3, page 2, be stricken out.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ISAAC H. CRIM.

The bill (H. R. 2545) granting an increase of pension to Isaac H. Crim was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac H. Crim, late of Company C, Fourteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. KELLY.

The bill (H. R. 6029) granting a pension to Mary E. Kelly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Kelly, widow of Isaac P. Kelly, late of Company H, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary E. Kelly."

MARGARET HENDRY.

The bill (H. R. 7250) granting an increase of pension to Margaret Hendry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Hendry, widow of James Hendry, late of Company F, First Regiment Kentucky Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LA MYRA V. KENDIG.

The bill (H. R. 1278) granting an increase of pension to La Myra V. Kendig was considered as in Committee of the Whole. It proposes to place on the pension roll the name of La Myra V. Kendig, widow of Harry S. Kendig, late of Company A, One hundred and sixty-fourth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The report will be read.

The Secretary read the following report, submitted by Mr. DEBOE March 31, 1902:

The Committee on Pensions, to whom was referred the bill (H. R. 1278) granting an increase of pension to La Myra V. Kendig, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted and the passage of the bill is recommended.

The House report is as follows:

"Harry S. Kendig, the soldier named in this bill, served as a private and corporal in Company A, One hundred and sixty-fourth Ohio Infantry, from May 2 to August 27, 1864, when mustered out with his company.

He never applied for pension under the general law, but was pensioned in 1894 under the act of June 27, 1890, at \$6 per month from December 13, 1893, and at \$8 from April 30, 1894, for partial inability to earn a support by manual labor by reason of senile debility and disease of heart. This rating was subsequently increased to \$12 per month from September 18, 1895.

"He died October 30, 1896.

"The beneficiary named in the bill, now 68 years of age, who married the soldier on May 13, 1866, is now and has been since December 14, 1896, pensioned under the act of June 27, 1890, at \$8 per month, and such pension was allowed upon proof of her marriage to the soldier, his death, that she was his legal widow, and that she was dependent upon her own labor, etc.

"The beneficiary never applied for pension under the general law.

"There has been filed with your committee the affidavit of the beneficiary to the effect that while single, her father having been a man of considerable means, she was supplied with all the comforts and many of the luxuries of life; that after her marriage to the soldier she was supported by him in the manner to which she had been accustomed; that later on she inherited from her father a considerable sum of money, which her husband invested in what seemed to be a good paying mercantile business, which, however, proved to be a failure, and that thereby she lost all her inheritance with all of her husband's capital; that at his death she was left absolutely without any means except the pension of \$8 per month, which she is now receiving; that during the last three years of his life he was a helpless invalid, and such health as she possessed was completely destroyed in nursing and caring for him, she having no means with which to employ assistance; that she is now without help and unable to help herself and has no one upon whom she can depend for assistance.

"A statement from the auditor for Seneca County, Ohio, has also been filed, showing that the name of the beneficiary does not appear on the records for assessments of real and personal property lists for taxation in said county.

"Your committee are of the opinion that the beneficiary, who is now helpless herself and in destitute circumstances, and who destroyed her health in nursing and caring for her invalid husband during many years prior to his death, should receive at the hands of the Government the pension provided under the general law for widows of enlisted men, namely, \$12 per month, in order that she may be enabled to procure for herself the necessities of life; hence the bill is reported back with the recommendation that it pass."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOVERNMENT OF THE PHILIPPINES.

The bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes, was announced as next in order.

Mr. COCKRELL. We can hardly pass that bill under the five-minute rule.

The PRESIDING OFFICER. The bill will be passed over.

ROBERT M. M'CULLOUGH.

The bill (H. R. 283) granting an increase of pension to Robert M. McCullough was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert M. McCullough, late of Company B, Third Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH TUSINSKI.

The bill (H. R. 8553) granting a pension to Joseph Tusinski was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Tusinski, late a private in Company E, Fourteenth Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER subsequently said: A few minutes ago the bill (H. R. 8553) granting a pension to Joseph Tusinski was passed. I move that the several votes whereby that bill was ordered to a third reading and passed be reconsidered, and that the bill be re-committed to the Committee on Pensions.

The motion was agreed to.

JAMES P. BURCHFIELD.

The bill (H. R. 809) granting an increase of pension to James P. Burchfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. Burchfield, late surgeon Eighty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW Y. TRANSUE.

The bill (H. R. 9621) granting an increase of pension to Andrew Y. Transue was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Y.

Transue, late of Company G, Third Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN V. RORER.

The bill (H. R. 1938) granting an increase of pension to Helen V. Rorer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen V. Rorer, widow of Jonathan T. Rorer, late captain Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS F. WALTER.

The bill (H. R. 5761) granting a pension to Thomas F. Walter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas F. Walter, late first lieutenant Company A, Ninety-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAGGIE HELMBOLD.

The bill (H. R. 8651) granting a pension to Maggie Helmbold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maggie Helmbold, widow of John W. Helmbold, late of Company E, Two hundred and thirteenth Regiment Pennsylvania Volunteer Infantry, and Company D, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$8 per month, and \$2 per month additional on account of her minor child until it shall reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA F. SHILLING.

The bill (S. 3041) granting an increase of pension to Emma F. Shilling was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "captain of" and insert "first lieutenant;" in line 7, after the word "Company," to strike out the letter "F" and insert the letter "H;" and in line 9, before the word "dollars," to strike out "twenty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma F. Shilling, widow of John Shilling, late first lieutenant Company H, Third Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANN E. COLLIER.

The bill (S. 4506) granting an increase of pension to Ann E. Collier was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "United States," to strike out "of the," and in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Collier, widow of George W. Collier, late lieutenant-colonel, United States Marine Corps, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONTROL OF DOGS IN THE DISTRICT OF COLUMBIA.

The bill (S. 4792) relative to the control of dogs in the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPHINE M. DUSTIN.

The bill (H. R. 6466) granting a pension to Josephine M. Dustin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine M. Dustin, widow of Miles G. Dustin, late of Company E, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DEWIT C. MCCOY.

The bill (H. R. 2124) granting an increase of pension to Dewit C. McCoy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dewit C. McCoy, late lieutenant-colonel Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PHEOBE L. PEYTON.

The bill (S. 4643) granting an increase of pension to Phoebe L. Peyton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phoebe L. Peyton, widow of Jacob M. Peyton, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and captain Company I, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Phoebe L. Peyton."

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 9206.

Mr. GALLINGER. It will take about five minutes, perhaps, to complete the Pension Calendar. I ask unanimous consent that it may be completed.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the pending bill be temporarily laid aside and that the remaining pension bills on the Calendar may be considered.

Mr. COCKRELL. Let the consideration of the Calendar only go to bills reported before April 1. We have not the reports and bills on our desks of those reported yesterday.

Mr. GALLINGER. Very well.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from New Hampshire. The Calendar will be proceeded with.

ELIZABETH A. CAPEHART.

The bill (S. 3634) granting an increase of pension to Elizabeth A. Capehart, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Capehart, widow of Henry Capehart, late colonel First Regiment West Virginia Volunteer Cavalry and brevet major-general United States Volunteers, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MINERVA MELTON.

The bill (S. 4056) granting an increase of pension to Minerva Melton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

amendments, in line 7, before the word "Provisional," to insert the words "Fourth Regiment;" in the same line, after the word "Enrolled," to strike out "Regiment;" in line 8, before the word "Militia," to strike out "State," and in line 11, before the word "Melton," to strike out "DeCosta" and insert "Decota;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minerva Melton, widow of Newton Melton, late of Company I, Fourth Regiment Provisional Enrolled Missouri Militia, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving. *Provided,* That in the event of the death of Decota Melton, helpless and dependent daughter of said Newton Melton, the additional pension herein granted shall cease and determine.

The amendments were agreed to.

Mr. GALLINGER. Let a comma be inserted after "Melton," in line 11.

The PRESIDING OFFICER. A comma will be inserted at that point.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA A. WRIGHT.

The bill (H. R. 8471) granting a pension to Eliza A. Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza A. Wright, widow of James H. Wright, late of Company E, Eighty-seventh Regiment Illinois Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DENNIS DYER.

The bill (H. R. 3418) granting a pension to Dennis Dyer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dennis Dyer, late of Company K, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES F. MERRILL.

The bill (H. R. 11375) granting a pension to Charles F. Merrill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Merrill, late an unassigned private, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JETHRO M. GETMAN.

The bill (S. 1625) granting an increase of pension to Jethro M. Getman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jethro M. Getman, alias James M. Getman, late first lieutenant Company G, Forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jethro M. Getman, alias James M. Getman."

JOHN BROWN.

The bill (S. 4335) granting an increase of pension to John Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with amendments, in line 7, before the word "Volunteer," to insert "Maryland," and in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Brown, late of Company I, Thirtieth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALICE BOZEMAN.

The bill (H. R. 5712) granting a pension to Alice Bozeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice Bozeman, the helpless and dependent daughter of Phineas L. Bozeman, late of Captain Lawler's company, Illinois Mounted Volunteers, war with Mexico, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M'DANIEL.

The bill (H. R. 2287) granting an increase of pension to George McDaniel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George McDaniel, late of Company H, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID C. MAPLES.

The bill (H. R. 10692) granting an increase of pension to David C. Maples was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David C. Maples, late of Company H, Ninth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREEMAN R. E. CHANABERRY.

The bill (H. R. 6713) granting an increase of pension to Freeman R. E. Chanaberry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "First," to strike out "Tennessee Volunteers, Mexican war;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Freeman R. E. Chanaberry, late of Company K, First Regiment Tennessee Volunteer Cavalry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CLARA W. McNAIR.

The bill (S. 1225) granting a pension to Clara W. McNair was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara W. McNair, widow of Frederick V. McNair, late rear-admiral, United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Clara W. McNair."

SARAH M. SMITH.

The bill (H. R. 10415) granting a pension to Sarah M. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah M. Smith, widow of Andrew J. Smith, late of Captain Smith's company, Hays' regi-

ment, Texas Volunteer Infantry, war with Mexico, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMITATION DAIRY PRODUCTS.

The PRESIDING OFFICER. The Senate resumes the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9602) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Mr. HALE. What has become of the Calendar?

The PRESIDING OFFICER. The hour of 2 o'clock arrived and the unfinished business was laid before the Senate. Agreement was asked that that might be temporarily laid aside for the consideration of pension bills, which has been concluded so far as the agreement extended, and the unfinished business was again laid before the Senate.

Mr. HALE. It will take only a few moments to go on and complete the consideration of the Calendar.

Mr. MONEY. If the Senator will allow me one moment, the Senator from Texas [Mr. BAILEY], who was to continue his remarks, is not here. I have sent for him. In the meanwhile we might go on with the Calendar until he comes in.

Mr. HALE. We might go on with the Calendar.

Mr. COCKRELL. I would have no objection to that course except that the cases now reached were reported only yesterday, and we have not the reports and the bills on our desks.

Mr. BAILEY entered the Chamber.

The PRESIDING OFFICER. The Senator from Texas [Mr. BAILEY] is now here.

Mr. COCKRELL. We have disposed of all the cases reported on March 31, except one.

Mr. HALE. If the Senator from Texas is ready to proceed—

Mr. BAILEY. I am not anxious, however, and if the Senate has any other matter it desires to complete, I will yield for it.

Mr. HALE. It is just as well for the Senator to go on.

Mr. MONEY. I submit an amendment intended to be proposed by me to the pending bill. I ask that it be printed, and lie on the table.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. FORAKER. I wish to offer an amendment to the bill now under consideration in order that it may be printed.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. BAILEY. Mr. President, when I yielded the floor yesterday afternoon I had reached that point in the argument where, after admitting as a matter of law the contention of the Senator from Massachusetts [Mr. HOAR] that if oleomargarine is a deleterious food product, it falls within the power of Congress to control it as an article of interstate and foreign commerce, I was considering whether as a matter of fact oleomargarine is deleterious. I had read to the Senate the opinions of three distinguished scientific experts, all asserting that oleomargarine is a wholesome, palatable, and a digestible article of food; and I now desire to supplement those statements by one somewhat more extended and, if possible, more convincing than those which I read on yesterday.

Prof. Charles Harrington, who is the assistant professor of hygiene in the medical school of Harvard University, has published an excellent work entitled "Practical Hygiene," in which he discusses this very question of oleomargarine, and as a matter of saving my voice I will ask the Secretary to read that part which I have indicated by pencil marks, beginning on page 112.

The PRESIDING OFFICER. No objection being made, the Secretary will read as requested.

The Secretary read as follows:

Oleomargarine has been misrepresented to the public to a greater extent probably than any other article of food. From the time of its first appearance in the market as a competitor of butter, there has been a constant attempt to create and foster a prejudice against it as an unwholesome article, made from unclean refuse of various kinds, a vehicle for diseased germs, and a disseminator of tapeworms and other unwelcome parasites. It has been said to be made from soap grease, from the carcasses of animals dead of disease, from grease extracted from sewer sludge, and from a variety of other articles equally unadapted to its manufacture.

The most absurd statement which the author has seen appeared in the annual report of the board of health of a community large enough and rich enough to be enabled to afford better service; this was that a large part of the annual output was made from the grease of dogs shot while suffering from rabies by the police in the streets of large cities.

The publication of a great mass of untruth can not fail to have its desired effect, not solely on the minds of the ignorant, but even of some of those of over average intelligence. So it is that a prejudice was created against this valuable food product, but it is gradually becoming less and less pronounced.

The truth concerning oleomargarine is that it is made only from the clean-

est materials in the cleanest possible manner, that it is quite as wholesome as butter, and that when sold for what it is and at its proper price it brings into the dietary of those who can not afford the better grades of butter an important fat food much superior in flavor and keeping property to the cheaper grades of butter which bring a better price. Oleomargarine can not be made from rancid fat, and in its manufacture great care must be exercised to exclude any material, however slightly tainted.

It is not and can not be made from fats having a marked or distinctive taste, and its flavor is derived wholly from the milk or genuine butter employed in its manufacture. It contains, as a rule, less water than does genuine butter, and consequently any difference in food value is in its favor. It undergoes decomposition much more slowly, and, indeed, may be kept many months without becoming rancid. Much has been said concerning its digestibility, and alarmists have gone so far as to claim that it is quite indigestible and likely to prove a prolific cause of dyspepsia, quite forgetting that the materials from which it is made have held a place in the dietaries of all civilized peoples since long before butter was promoted from its position as an ointment to that of an article of food. Many comparative studies have been made on this point, and results in general have shown that there is little if any difference. H. Lührig has proved by careful experiment that the two are to all intents and purposes exactly alike in point of digestibility.

Mr. BAILEY. Now, Mr. President, I will add to these scientific opinions an extract from a case decided by the Supreme Court of the United States. Quoting from a New York case this highest judicial tribunal of the land says:

It appears from the opinion that on the trial of that action "it was proved on the part of the defendant by distinguished chemists that oleomargarine was composed of the same elements as dairy butter. That the only difference between them was that it contained a smaller proportion of fatty substance known as butterine. That this butterine exists in dairy butter only in a small proportion, from 3 to 6 per cent.

"That it exists in no other substance than butter made from milk, and it is introduced to oleomargarine butter by adding to oleomargarine stock some milk, cream, or butter, and churning, and when this is done it has all the elements of natural butter; but there must always be a smaller percentage of butterine in the manufactured product than in the butter made from milk. The only effect of the butterine is to give flavor to the butter, having nothing to do with its wholesomeness. That the oleaginous substances in the oleomargarine are substantially identical with those produced from milk or cream. Professor Chandler testified that the only difference between the two articles was that dairy butter had more butterine; that oleomargarine contained not over 1 per cent of that substance, while dairy butter might contain 4 or 5 per cent, and that if 4 or 5 per cent of butterine were added to the oleomargarine there would be no difference. It would be butter, irrespective of the sources; they would be the same substances."

And so, Mr. President, the almost unbroken authority of every disinterested witness who has considered the question is that oleomargarine is a wholesome, palatable, and a digestible food product, and they fully dispose of so much of the argument of both the Senator from Massachusetts and the Senator from Wisconsin as predicated the power of Congress over this article upon the theory that it is deleterious to health.

THE TAXING POWER.

Besides the right based upon the deleterious character of the article, the only other ground, according to both the Senator from Wisconsin and the Senator from Massachusetts, upon which this bill can be defended as a constitutional exercise of power on the part of Congress is that we have a right to tax uncolored oleomargarine for the purpose of raising revenue, and, resulting from that, we have a right to tax colored oleomargarine as a means of preventing the evasion of the tax upon the uncolored article. I prefer, however, that the Senator from Massachusetts should state his own position, and consequently I shall read his words from the printed RECORD. After maintaining, as I have stated above, the right of Congress over oleomargarine upon the theory that it is deleterious, he then proceeds:

We have another right which is well settled, and that is in selecting objects upon which we shall put the tax in raising revenue. We have the right to select objects the burdening of which is not a public injury, and to omit or pass by objects which are a clear benefit, and every burden, or load, or condition placed upon which is a public disadvantage.

We might, I suppose, for the mere purpose of raising a revenue, tax the production of wheat, or of milk, or of honest and wholesome butter as an excise, but we do not do that because we do not want to put any burden upon such products, which are absolutely and unquestionably beneficial. So we take brandy, whisky, tobacco, beer, and articles which, while they yield us a revenue, we do not mean to prohibit their sale if we could. Still nobody claims that if the sale or use of beer, or tobacco, or brandy, or whisky be burdened the public has suffered any disadvantage.

Now, that being true, and it being a sound Constitutional principle and a sound principle in the exercise of legislative discretion, we have undertaken to tax oleomargarine under the use of our taxing power on the same principles and for a like reason, and moderately, just as we have undertaken to tax beer and whisky and brandy.

This fraudulent and spurious butter is not only, if what the gentlemen who have spoken are right, as I suppose they are, an injury to the farmers' butter, but it is an escape by fraud or forgery from exhibiting and laying open for purposes of taxation a genuine product of oleomargarine which we have a right to tax. Just as we had the right to tax out of existence the State-bank currency because it interfered with our national currency, which we had a right to provide, to establish, and to regulate, we have a right to tax out of existence spurious oleomargarine, because it interferes with the genuine oleomargarine, which is a genuine and legitimate object of taxation.

To all of this I readily assent as a matter of law. Nobody doubts the power of Congress to select such articles as its wisdom may dictate from which to raise the money necessary to support the Government; nor do I doubt that in the selection of the articles upon which to levy a tax Congress may be governed by considerations of expediency, and may levy the impost upon oleomargarine rather than upon butter, because it may believe that the oleomargarine manufacturers can better afford to pay it

than the butter makers. I also assent to what appears to be the subordinate, but what, here, is really the principal statement, that when Congress lays a tax on a given article it has the perfect right to lay a tax upon another article for the purpose of more effectively collecting the tax first levied. In other words, and applying the rule to the case at bar, if the tax on uncolored oleomargarine is intended to raise revenue for the Government, and if the greater tax on colored oleomargarine is intended to better insure the collection of the tax on uncolored oleomargarine, then that ends the argument with me, and must end it with every sensible man.

But, Mr. President, does any Senator here believe that this bill lays a tax of one-fourth of 1 cent per pound on uncolored oleomargarine for the sake of the revenue it will bring into the Treasury? Or, if there be one so blind as to believe in that, is there one who is blinder still and believes that the tax of 10 cents per pound on colored oleomargarine is levied in order to more effectively collect the tax of one-fourth of 1 cent per pound upon the uncolored article? I will not hazard giving offense to my associates by declaring that no man can believe either statement to be true, and as two distinguished Senators have advanced these legal propositions in justification of the bill I shall assume that, as to them, at least, there must appear some facts to which they can apply their law. Granting that they must believe that the bill carries such a purpose, I desire to show them, as well as all other members of this body, that such a purpose is not even pretended by the originators and promoters of this legislation. I will go further, and from the lips of the most eminent and influential advocates of this measure, I will show that they have admitted that the taxation is a subterfuge and a false pretense.

Ex-Governor Hoard, in a hearing before a committee of the House of Representatives, declared in answer to a question:

The Government taxed State banks out of existence. Federal legislation can proceed only along that line. We unfortunately have not a form of government in that respect like Canada. In Canada they can put a fraud or a cheat out of existence; but we have to proceed along the lines we can.

In another place, and in reply to practically the same question in a different form, ex-Governor Hoard again replied:

I have to do business with the things I have, with the machinery I have. I can not approach it from the Federal standpoint except through taxation.

Governor Hoard was not talking about raising revenue to support the Government when he says he "can not approach it from a Federal standpoint except through taxation," but he is talking about discouraging the sale of colored oleomargarine. If anything could make his meaning plainer than his testimony before the House committee this year, it would only be necessary to refer to his testimony before the House committee in 1901, when he unequivocally and unhesitatingly stated why a tax was levied by this bill. He was not then under cross-examination; but in his direct and voluntary statement he says:

To give added force to the first section of the bill it is also provided in the second section that a tax of 10 cents a pound shall be imposed on all oleomargarine in the color or semblance of butter. In plain words, this is repressive taxation.

Mr. Hoard's friends and associates in all of this agitation have been more candid than some of the Senators in this discussion, and have not hesitated to declare that the tax was levied not for revenue, but, as they describe it, to destroy a fraud. In his testimony before a committee of the Senate at its last session, Mr. George L. Flanders, the assistant commissioner of agriculture of the State of New York, speaking of this bill, declared:

I hope it will tax fraud out of oleomargarine. That is all I want.

Mr. Flanders made no pretense that he expected or desired the tax to raise revenue, but only that it should tax the fraud out of oleomargarine. Before the same committee and during the same year Mr. H. G. Adams, who is, I believe, the food and dairy commissioner of Wisconsin, declared:

We are here, as Mr. Flanders said, to, if possible, legislate fraud out of oleomargarine.

Mr. Adams, with a candor which some of his Senatorial friends would do well to imitate, declares that the tax is not intended to raise revenue, but purely and only to legislate fraud out of oleomargarine.

We know perfectly well that though the original act of 1886 has contributed to the support of the Government, it was not intended to do so, and in that respect it has proved a great disappointment to its authors. Governor Hoard, who has been more prominent in this whole agitation than any other one man, and who is perfectly familiar with the plans of those who are urging this legislation, made this statement before a committee of the Senate:

This law of 1886 was enacted as the only remedy the General Government could afford to check the enormous frauds being practiced in the sale of oleomargarine at that time. The tax was placed at 2 cents per pound, this being regarded as about the figure needed to raise sufficient revenue to enable the Government to enforce the other provisions of the bill.

In plain words, Governor Hoard avowed before a committee of the Senate that the original act of 1886 was intended to suppress

commercial frauds, and that a tax was levied because only in that way could Federal jurisdiction be sustained, and that the rate was fixed not with a view of helping to support the Government, but merely with the view of raising money enough to execute the provisions of a law which Congress confessedly had no power to pass except upon the false pretense that it was a revenue measure. The Senator from North Dakota [Mr. McCUMBER] declared in his speech:

Everyone knows that this bill is intended to tax oleomargarine out of existence, although it is under the guise of a revenue bill.

I might here again repeat those passages from the speeches of Senators which I have already quoted in discussing another branch of the question; but it will be sufficient for me to remark that in quoting those Senators to show that they, like Governor Hoard, were supporting this bill in order to correct certain trade abuses, they in effect, of course, admitted that they were not supporting it for the purpose of raising revenue. It is, however, Mr. President, a waste of time for me to pursue this line any further. It is an affront to the intelligence of the Senate for me to stand in its presence and argue that this bill is not a revenue measure. Everybody knows that it is not; and nobody supports it because it is believed to be.

Does any Senator here believe that this tax of one-fourth of 1 cent per pound on uncolored oleomargarine is levied for the sake of revenue? Does any Senator further believe that the tax of 10 cents per pound on colored oleomargarine is levied for the purpose of better insuring the collection of the tax of one-fourth of 1 cent per pound on uncolored oleomargarine? And yet, sir, the Senator who does not believe both propositions can not conscientiously vote for this bill under the taxing clause of the Constitution. The courts will not, I grant you, declare it unconstitutional, because our theory of government wisely forbids the judiciary to examine the motives of the legislative department, and though the judge might be convinced as a man that our object was different from what the law professes, he dare not as a judge declare it so. But while the court can not look into our hearts and minds and determine the motive which controlled our votes, the rule is different with the Senator himself. He knows the motive which controls him, and he ought not to be governed by one which he dares not avow before the world. Mr. President, it is extremely disagreeable to question the candor of men, but I will venture to say that if you will put the question not in the usual form of "Shall this bill pass?" but state it, "As many Senators as believe this bill is intended to raise revenue vote 'aye,'" it would not receive a single vote in the Senate.

But, Mr. President, turning from these questions as to the power of Congress to regulate interstate commerce and to levy taxes, we find in section 3 a more palpable and, if possible, a grosser violation of the Constitution than the others to which I have already called attention. One of the few questions concerning the law or the Constitution of this country upon which men of every shade of political opinion have agreed is that the Federal Government is entirely powerless to regulate the manufacture and sale of articles within a State. Indeed, the Supreme Court in the case of *The United States v. Knight* has expressly decided that manufacture is not commerce, and that the Federal Government can pass no law regulating it. There was in that case one dissenting opinion, based upon reasons which it is not necessary to consider in this connection; but there has never been, either in the courts or in the Senate, any lawyer of respectable attainments who has asserted the power of Congress over the domestic commerce of any State in this Union. Keeping that universally recognized rule of law in our minds, let us examine this third section for a moment, and see how utterly indefensible it is.

The friends of this bill, of course, do not pretend that it makes any exception in favor of an article that may be sold and consumed entirely within the State where it was manufactured. Indeed, sir, they boldly declare that it is their purpose to subject colored oleomargarine to the prohibitory laws of States which prohibit its manufacture and sale, and to burden it with onerous taxation with the intention of suppressing its manufacture where its manufacture and sale are permitted. That a law purely regulatory in its provisions would be unconstitutional and void no Senator in this body will deny; and it was because this is true that these gentlemen have summoned to their aid the subterfuge of taxation. I subscribe to the doctrine of the Senator from Massachusetts [Mr. HOAR] that when the Federal Government has a right to regulate or prohibit any given thing it may do so by means of a tax as well as by a direct and specific regulation or prohibition. But, sir, the converse of this proposition must be just as correct as the proposition itself; and I am sure that the Senator from Massachusetts will agree with me that when the Government has no right to regulate or prohibit a given thing it can not constitutionally levy a tax for the purpose of regulating or prohibiting it.

And so, Mr. President, we are again brought back to our old question of fact: Is this tax on oleomargarine laid for revenue?

That it is not must be apparent to all who have heard this debate; and if any doubt remains in the mind of any Senator it must be dispelled when he recalls the statement of ex-Governor Hoard, who declared before a committee of the House of Representatives that if colored oleomargarine continues to be sold after the passage of this bill the same as now, he will "come before Congress and demand a still higher tax." Here, Mr. President, the atmosphere is somewhat clearer than it was in dealing with this question from the standpoint of interstate commerce, and a Senator who votes for this bill, knowing that its purpose is to regulate the manufacture and sale of an article wholly within a State, can not acquit himself to his conscience by allowing his mind to be confused by the somewhat contradictory decisions in respect to the regulation of interstate and foreign commerce.

ECONOMIC FALLACY OF THE BILL.

Mr. President, I have not by any means presented all that can be said against this bill from a constitutional point of view; and I have condensed what I have said as much as possible, because I do not desire to detain the Senate too long, and I do desire to consider the bill in another aspect. I therefore dismiss its ill-concealed and dangerous violation of sound legal principles to consider briefly the economic fallacies which it embodies; and I maintain, sir, that if the founders of this Government had been so unwise as to permit such a perversion of its powers, and even if we had a perfect and constitutional right to pass this bill, it would neither be just nor wise for us to do so. It is not necessary, in looking at this bill as a practical or economic measure, to misrepresent or to ignore its real purpose. Here Senators are not embarrassed by their oath to support the Constitution, for having laid that question aside for the time to consider this other question, or rather having conceded for the purpose of this particular branch of the argument that Congress has the power to pass such a law as this, and the only question being as to its justice and its wisdom, surely there will be no further attempt either to conceal the object or to deny the effect of this legislation.

I have stated it as my opinion that the purpose of this bill is to destroy the oleomargarine industry in order to relieve butter of its competition; and I call as my witness for this statement Mr. H. G. Adams, the food and dairy commissioner of Wisconsin. Before a committee of the House which was considering this very bill Mr. Adams declared in the usual, but rather inelegant, phrase:

There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business.

It is true that this bold and candid avowal as to the real purpose of this legislation alarmed its advocates, and Mr. Adams afterwards declared that his testimony had been misunderstood; but the chairman of the House committee declares unequivocally that Mr. Adams did make the statement just as I have quoted it, and other members of the committee are equally as positive that he did. I do not desire to be understood as saying that this law will accomplish what its authors and promoters desire and expect; because my judgment is that it will not, and that it will result somewhat the same as the act of 1886. Those financially interested in this legislation have calculated that the difference in the cost of producing oleomargarine and butter is about 10 cents per pound, and they think that by taxing the substitute—I prefer to call it a substitute rather than an imitation, because it was devised originally as a substitute and not as an imitation—until they bring its price to a level with the price of the principal article, everybody will purchase butter, and oleomargarine will be driven out of the market.

Undoubtedly it is true that if by legislation you force the price of the substitute up to the price of the principal article, consumers will all take the principal article, although it may not be one whit better than the substitute. But the vice in the calculation of these gentlemen is that under this bill the price of butter will advance somewhat when relieved from the competition of oleomargarine, and as the price of butter advances oleomargarine will still be cheaper with the tax of 10 cents per pound than creamery butter. Or, if that does not happen, then, sir, the oleomargarine and butterine manufacturers by taking something from the price which they now pay for their raw material and by adding something to the price which they charge for the finished product will be able to preserve their trade. But, sir, if this bill fails to accomplish its object of suppression, we will be confronted in the next Congress by another which will not fail.

Perhaps, Mr. President, in considering the morality in this proposition, we ought to treat it as if it will accomplish the object of its promoters, and consequently we ought to deal with it upon the supposition that it will destroy every oleomargarine factory in this country. For whose benefit shall this be done? The Senator from Iowa [Mr. DOLLIVER] and all others who have followed him in this discussion on that side would lead us to believe that it is for the benefit of the farmer; but, sir, any man who has given the slightest attention to this subject knows that it will be the creameries, and not the farmers, of this country

who will enjoy the benefit of this legislation. These gentlemen have spoken as if the farmers and the creameries are one and the same; but the proprietor of a creamery is no more a farmer because he manufactures butter out of the farmer's milk than a pork packer is a farmer because he makes pork out of a farmer's hog. He is no more a farmer than the manufacturer of cotton goods because he manufactures goods out of the farmer's cotton. Conducting a creamery is as separate and distinct from the farmer's vocation as is the manufacture of any other article out of the raw produce of the farm.

The creamery business has been one of the most profitable in the United States during the last ten years. I have here an advance bulletin from the Census Office, and it shows that in the year 1900 upon an investment of \$36,000,000 the creameries and cheese factories of the United States, after paying their wages and paying for their raw material, netted a profit of over \$16,000,000. And still they are not satisfied. With a profit of 40 per cent, as now operated, they are organizing a trust for more, and still not satisfied with a combination among themselves to protect each from the competition of the other they seek to destroy their oleomargarine competitors with a law of Congress.

For the benefit of the farmer? Gentlemen, you forget that the ingredients of oleomargarine and butterine come from the farm just as well as the ingredients of creamery butter. And they come from farmers who do not realize a profit of 40 per cent on their investment. Senators appeal to the dairymen; but the dairymen will not be benefited by this law. Listen to what Consul Roosevelt says about the effect of oleomargarine factories upon dairy interest and upon cattle raising:

Some time since France sent a delegation to Holland for the purpose of studying the methods employed there for the suppression of frauds in butter making, and also to ascertain if the manufacture of margarin has been favorable to agricultural interests. The report contains the attestation of seven mayors of communes in southern Holland, showing that since the introduction of the margarin industry in that country not only has the price of milk increased, but also the number of cattle, which plainly shows that the industry in question has become a source of profit to the farmers.

That is the disinterested report of an American consul; and it is entirely reasonable to suppose that, as the oleomargarine manufacturers are purchasers of milk for the purpose of making their product, their demand will increase the price of milk. The oleomargarine manufacturers become competitors against the creameries for the dairymen's milk, and it is small wonder that this American consul should report that the establishment and extension of an enterprise which consumes milk to the extent of 25 per cent of its entire product should enlarge the demand and therefore increase the price of milk.

If you drive the oleomargarine industry out of existence and then organize the creameries into a trust, the dairyman who sells his milk to be manufactured into butter has but one customer where otherwise he would have many.

But, Mr. President, I beg the Senate's pardon for descending in the discussion of a question like this to the mere consideration of private interests. It would signify nothing to me whether this bill was for or against the material interests of the people who have honored me with a seat in this Chamber. The question is, Is it right or wrong? If it is right it ought to pass no matter who suffers or who profits by it. If it is wrong it ought not to pass, and no appeal of a special class ought to influence the Senate in its favor. My constituents can have my seat in this body, but they can not drive me to vote for a measure as pernicious as this.

I have been somewhat amused at the helpless bewilderment of our friends on the other side. They complain that oleomargarine is sold for butter, and insist that the purchaser can not distinguish it from butter either by looking at it or by eating it. If this be true—and undoubtedly it is true, as it is also true that its effect upon the human system is precisely the same as butter—then they bring the case within that class which the law would call an innocent fraud, or a damage without an injury. I believe that every man is entitled to get exactly what he buys, and I do not believe that a trader has any right to give his customer an article different from that for which he pays, even though the different article might be equally as good as the other. But surely, Mr. President, the evil to be remedied here is not so great as to justify what even the moderate and conservative Senator from Wisconsin admits to be a kind of pious fraud upon the taxing power of Congress.

If we are to believe the advocates of this bill, they entertain no very great prejudice against oleomargarine; but they pour out the vials of their wrath upon the practice of coloring it. If uncolored oleomargarine is pure and wholesome, and the ingredients used to color it are entirely harmless, then certainly the men who color oleomargarine perpetrate no greater fraud than that committed by the butter makers when they color their product. Why is butter colored? The chairman of the Committee on Agriculture in the House of Representatives, an upright and honorable

man of great ability, has a large experience in this business, and I will first let him answer that question. He says:

I am a manufacturer of butter. I color every pound of butter because I get from 5 to 10 cents more for the butter by reason of its being colored.

Immediately following this statement by the chairman, which was made at a meeting of his committee, ex-Governor Hoard said:

I am a manufacturer of butter myself. I do this because, as I have said, I have to do all of the things necessary to make the butter attractive to the customer, make it palatable and healthful, and sweet and wholesome—all of the things that belong to it in the technique of the business.

Thus, according to Governor Hoard, they color butter to make it attractive to the buyer, and he calls it the "technique of the business." But when the oleomargarine manufacturer colors his product with precisely the same ingredients we must understand that this is done with a fraudulent design. If it requires coloring to make creamery butter attractive to the customer, palatable and wholesome, then what violence to logic is there in concluding that the oleomargarine manufacturers color their product for the same reason? I confess, Mr. President, that I have no prejudice against making anything attractive as long as it is not made harmful. I do not believe that because our wives and daughters array themselves in the most attractive dress that they are practicing a fraud upon us, or that because they sometimes touch their cheeks with a deeper glow than nature gave that they are trying to deceive us to our harm.

Mr. President, is it not a matter of common knowledge that there is nothing upon our tables more prolific of disease than butter? It sometimes communicates tuberculosis, and it has been demonstrated by more than one experiment that it conveys typhoid fever.

Mr. STEWART. I have the report here.

Mr. BAILEY. Certainly; that fact is uncontested. But while the advocates of this bill acknowledge that the least desirable quality of butter can be colored until it is attractive to the customer, still they exclaim with indignant vehemence because the cleaner and more wholesome oleomargarine is colored.

Mr. President, not only do these special advocates of the creamery greatly misrepresent the character of oleomargarine as a food product, but they also greatly misrepresent the extent to which it is sold and consumed. If we were to believe what they say, the retail butter dealers of this country are the most consummate set of rascals unhung, for we are told that almost every man who tries to purchase butter is cheated by being given oleomargarine. According to their exaggerated statements, genuine butter has practically disappeared from our market places and a spurious imitation has taken its place.

As an American citizen somewhat acquainted with the retail merchants of my country I was not prepared to believe them as a rule dishonest. I, therefore, set myself at work to ascertain as nearly as possible how extensive are the frauds of which they stand accused; and I was amazed to find that while the overzealous friends on the other side have talked as if everybody who wanted butter was deceived into taking oleomargarine, the truth is that the butter sold and consumed in the United States is more than eighteen times greater than the entire output of the oleomargarine factories; and, consequently, there can be no good foundation for this wholesale charge of fraud against the retail merchants of this land.

The present Secretary of Agriculture, who is an ardent advocate of this legislation, and whose large experience with this and kindred subjects has been so strongly vouched for by the Senator from Iowa, has testified before a committee of the Senate that the consumption of butter in the United States amounts to 18½ pounds per capita, while only a pound per capita of oleomargarine is consumed. This testimony will be found on page 424 of the hearings before the committee in 1901. Testifying as to the consumption of butter, he said:

Secretary WILSON. * * * My statement was 18½ pounds per capita.

That is the consumption of butter.

Mr. SPRINGER. You stated, however, that the consumption of oleomargarine amounted to but a little over 1 pound per capita.

Secretary WILSON. A little over 1 pound per capita in the United States; yes.

Mr. BATE. Was that before the House or the Senate committee?

Mr. BAILEY. Before the Senate committee. Governor Hoard in his testimony, when trying to minimize the importance of the oleomargarine industry to our cattle growers and cotton-seed producers, declared that during 1899 there were but 83,000,000 pounds of oleomargarine manufactured in the United States. Our people then numbered 75,000,000, and if every ounce of it was consumed here and not a pound exported, it would have been but a fraction more than a pound per capita. But as a matter of fact we know that for years the United States has been largely engaged in exporting this article. Mr. Roosevelt, the American consul to Belgium, in a special report on butter and oleomargarine, states:

Very little oleomargarine is manufactured in this country—

Meaning Belgium—

Large quantities are produced in Austria and France, but nearly the entire continent of Europe receives its supply from New York and Chicago. Importation is almost exclusively via the port of Rotterdam, which received, in 1893, 72,651,800 pounds.

And as is suggested by my distinguished friend, the Senator from Kentucky [Mr. BLACKBURN], Mr. Roosevelt has been our consul there for sixteen years.

Mr. HARRIS. Was that oleo oil or oleomargarine?

Mr. BAILEY. Oleomargarine. But I think what it means is not that the 72,000,000 pounds came from this country alone, but that 72,000,000 pounds were received at the port of Rotterdam from all countries.

Mr. HARRIS. We exported in 1900, 140,720,000 pounds of oleo oil.

Mr. BAILEY. But this says:

Very little oleomargarine is manufactured in this country. Large quantities are produced in Austria and France, but nearly the entire continent of Europe receives its supply from New York and Chicago.

He is not talking about oleo oil. He is talking about oleomargarine, and he adds:

Importation is almost exclusively via the port of Rotterdam, which received—

Not necessarily from the United States—in 1893, 72,651,800 pounds.

And if it is true, as Consul Roosevelt says, that New York and Chicago enjoyed a profitable export trade in oleomargarine, then we had much less than 1 pound per capita for home consumption.

Mr. HANSBROUGH. Mr. President—

The PRESIDING OFFICER (Mr. QUARLES in the chair). Does the Senator from Texas yield to the Senator from North Dakota?

Mr. BAILEY. With great pleasure.

Mr. HANSBROUGH. I desire to call the attention of the Senator to the fact that according to his statement the butter men and creamery men have made a tremendous profit on their business. Statistics show that the production of butter in the United States last year amounted to about fifteen hundred million pounds. The Senator states that their profits amounted to about \$16,000,000. The statistics also show that the amount of oleomargarine manufactured last year was 104,000,000 pounds; that the cost of production was about 9 cents a pound and it was sold at an average price of 22 cents a pound—sold as butter. These figures would give the oleomargarine men a profit of about \$13,000,000 on a total product of 104,000,000 pounds as against \$16,000,000 profit for the butter men on a total product of fifteen hundred million pounds. I simply desire to call the attention of the Senator to the fact that there is a wide disparity between the two profits.

Mr. BAILEY. And the purpose of this 10-cent tax per pound is to diminish the profits of the oleomargarine manufacturers?

Mr. HANSBROUGH. Oh, not at all.

Mr. BAILEY. Governor Hoard says it is intended to take the enormous profit of the oleomargarine business and put it into the Treasury, and that is practically what the Senator from Wisconsin [Mr. QUARLES] argued in his speech which I hold in my hand.

Mr. HANSBROUGH. The question of profits and the constitutional question which the Senator so ably discusses are two different propositions altogether.

Mr. BAILEY. I had left one, and the Senator from North Dakota was not attending closely to what I was saying or else he would remember that I called attention to the enormous profit of the creameries merely to show that these were not the farmers; or at least not that ideal farmer of whom the Senator from Iowa [Mr. DOLLIVER] drew such an entrancing picture. Nor did I call attention to the fact that the creameries in the country are making such profits in the way of complaining about their prosperity. I rather like to see them as I like to see everybody else prosper, and I never try to lay a tax simply to subtract from anybody's proper prosperity. I think that all men and every enterprise ought to be compelled to contribute out of what they make their fair proportion toward supporting the Government, but not one penny more.

NEW AND DANGEROUS DOCTRINE.

I can understand the Republican theory that in order to build up great and useful industries among us everybody shall be compelled by the necessities of the case to pay a little more for a particular article when they buy it, by reason of a law which keeps the foreign article out of our markets and leaving the domestic one free from outside competition allows it to command a higher price. I can understand how great and wise men have believed that to be a proper policy, but I can not understand this new departure, alike undemocratic and unrepugnant, that asks us to lay a tax intended to destroy an industry that produces a clean and wholesome article of food for the toiling millions. When this bill goes upon the statute book it will invite a train of other and similar ones; and if some of us are spared, as I hope we will be, to serve as long as my distinguished friend from Nevada [Mr. STEWART] has served, we will see a hundred measures akin to this coming here for recognition and indorsement.

Oleomargarine is not the only thing that is pressing established industries by competition; others are pressing, and pressing hard, and they are entitled to their day in Congress the same as the creameries have. Now is the time to shut the door in the face of all this impudent class who in order to successfully compete with their competitors are crying out for help from Congress. Deny these people this, and there will be no more trouble; grant this, and next year, and the next, and in all the years to come, others will demand like treatment at your hands.

I have heard it proclaimed in this debate that the people of all classes demand the enactment of this bill into a law. I do not believe it; but even if it were true the bill ought not to pass. I do not mean to say that a Senator ought to ignore the public sentiment of his State; far from it. Indeed, I am one of those old-fashioned Democrats who believe in the doctrine of obedience or resignation. But all the people of my State could not instruct me to vote for a bill that I believed against the Constitution of my country. All the people of every State have no right to make such a demand upon a single Senator in this body. Even if this demand came from an enlightened public opinion, you have no right to heed it, because, when you pass this bill upon the theory that you intend it to raise revenue, you incorporate a falsehood in the records of this Congress.

FARMERS ASK NO SPECIAL FAVORS.

Those of us who can not support this bill have been assailed with the reproach that we are unfriendly to the American farm, and the Senator from Iowa portrayed, with exquisite pathos, the early scenes of rural life; but, sir, he profanes the memories of those earlier and better days when he invokes them in a cause like this. I know the farmers of this country, and in my association with them I have found them our equal in everything except, perhaps, in opportunity. They love their country, they cherish its institutions, they pay its taxes in times of peace, and fight its battles in times of war. But they ask for no laws except just, equal ones, and they will resent the demand made in their name for unjust and repressive legislation.

I am myself as enthusiastic in my love of agricultural pursuits as the Senator from Iowa can possibly be. I spend all of my spare time and money in raising horses and cattle, and it is one of my peculiar ideas that every American citizen with money enough to buy it ought to own a farm and ought to live on it a part of every year. A contact with the soil renews our strength, confirms our purposes if they be high, and elevates them if they be low. Among its fields and meadows lofty ideals and noble thoughts find entertainment, and the virtues which make statesmen as well as heroes are developed and cultivated.

From the strife and the tumult of our great cities, where the violence of anarchy and the avarice of corporate power are holding high carnival, we must turn to the rural homesteads of this land for the simple faith and habits that shall yet enable this Republic to fulfill the high and sacred mission to which our fathers dedicated it; and, sir, I repel the suggestion that these sturdy and unselfish patriots are clamoring for a law that shall destroy an industry which consumes the products of their farms in providing a cheap and wholesome article of food for the millions who earn subsistence in workshops and in factories.

Will Senators follow the logic of this legislation? If in the providence of God the drought should come, and with failing crops in this country, there should still be abundant crops in other lands to depress the price of agricultural products again below the cost of production, will you tell the farmers that, as Congress has already made the precedent, they should come here and clamor at our doors until we pass a law to abolish these electrical vehicles that have so greatly curtailed the demand for horses. To abolish the use of electricity in operating the street-car systems of our great cities and return again to the horse, would almost double the demand for as well as the price of horses; and in this way you can not only increase the demand for horses, but you will vastly increase the demand for the farmers' hay and grain to feed them. When that proposition comes before us, as come it may if this character of legislation is to be encouraged, will the Senator from Iowa draw glowing pictures of the horse and plead for him against the use of electricity? It will be so easy to describe these new motor carriages as fit only for millionaires and dudes to ride in.

The farmers and their friends would have a stronger argument considered only with reference to its selfishness in that case than they have in this, because electrical appliances not only first destroy the demand for the horses the farmers raise, but subsequently destroy the demand for the grain and hay to feed those horses. Tell him it is wrong, he will point you to the law of Congress. Tell him two wrongs never made one right, he will tell you that it is not a question of right or wrong that controls you, but a question of votes and influence.

If this kind of legislation is safe, prudent, and wise, then no man in this country will dare to invest his capital in a new enterprise, because in doing so he takes the chance that an old and

established one will come to Congress for a law taxing his new enterprise to death.

PROGRESS V. REPRESSION.

Mr. President, I believe that the material progress of the world finds its highest and most beneficent achievement in bringing to the toiling millions, whose hard lot is work and want, better food and better raiment; but if we are to accept the new philosophy, which finds expression in this bill, then it is a crime, to be punished by imprisonment, for any man to devise a cheaper but healthful substitute for an article now in use. If men shall not have oleomargarine because it looks like butter, then we may extend the principle, and next week declare they shall not wear cloth that looks like wool, and that every manufacturer in this country who strives by improved processes to make better cloth from cotton until it is almost as good as wool, shall be a criminal; and then follow that with another statute, every man who makes from the farmer's fleece a higher quality of woolen goods until it almost resembles silk, shall likewise be sent to jail to keep company with the man who is said to have counterfeited the product of his woolen mill.

Once enter upon this kind of legislation and where will it end? It will end only after the Congress of the United States has become a kind of board to settle the rivalries between competing manufacturers, and it will settle them, not according to their justice, but according to the power and influence of the rivals. The weak, though they have the better product, must fall, and the strong, though their product be higher in its price and lower in its quality, will survive.

I believe in the philosophy of my childhood, when I was taught that competition is the life of trade. I believe in leaving every man—merchant, manufacturer, or trader—out in the open market with his wares, and if he have more sagacity or better merchandise than his competitor, let him prosper and with his profits he will establish new industries to employ more men and bring new blessings to mankind. Let us not drive him from his pursuits with penal statutes; let us not stifle genius and deny enterprise its just reward; but rather let us offer premiums for it, until every heart and brain in all the land shall be quickened with an impulse to do something for his kind and country.

But, Mr. President, I waste my time and I waste the time of the Senate in prolonging this discussion. I did not hope in the beginning that anything I could say would change a single vote, for I fear very much that we have reached that lamentable condition which was described by a Scotch member of the British Parliament, who declared that he had heard many speeches that had changed his mind, but never a single speech that had changed his vote. [Laughter.] The vote, when it shall be taken to-morrow, will probably be the same as it would have been if it had been taken the day the bill was first reported. Nor have I detained the Senate in any hope that I could contribute anything to its knowledge on this subject any more than I have detained it in the hope that I could change its vote. I simply desired to record my protest against a species of legislation that is without warrant in the Constitution and without justification in the natural laws of trade.

Mr. DEPEW. Mr. President, I desire to say that I shall be compelled to be absent to-morrow, and therefore shall not have an opportunity to record my vote on this measure. If here, however, I should vote for the bill of the committee with the amendments which they have proposed.

I say this notwithstanding the very eloquent and entrancing speech which has just been made by the Senator from Texas [Mr. BAILEY]. In my brief experience as a Senator I certainly never have heard any effort in this Chamber which has so affected my imagination, has so fired my fancy, and has had so little influence upon my judgment. [Laughter.] Unlike the Scotch member of Parliament, whom the Senator mentioned, in stating how I should vote if present here to-morrow, I am stating both how I would talk, think, and act if called upon to answer the roll call.

I have been a student and somewhat of a practitioner all my life of that kind of oratory, which appeals to my imagination as much as it does to anyone, of the progress of our country and the opportunities of its citizens; but the speech of the Senator from Texas was the finest tribute to which I have listened in many a day to the opportunities which will exist if this bill does not pass, but which will be forever destroyed if it becomes a law. If I understand aright the Senator from Texas, this bill will defeat the opportunities for progress of the young man of the future, because the growth of our country is built upon oleomargarine [laughter]; the growth of our country is built upon some kind of a misrepresentation, and all success is due to fraud.

I am a thorough believer in the doctrine, which the Senator advanced, that competition is the life of trade and that the growth of business, the perfection of our machinery, and the creation of communities which have become the happy homes of artisans and the places where prosperity dwells, have been due to that principle that competition is the life of trade, but I have been

taught, also, that competition must be honest. Where an honest merchant is selling honest flour and the man on the next block is saying that his flour is just as good when it is half plaster of paris, that is not honest competition; and if the man who sells flour which is half plaster of paris or ground earth, or what not, is to be commended because he drives the honest merchant out of business, then I say that the honest merchant should be protected by law and that the dishonest merchant should be punished for fraud.

A friend of mine, who knows the secret test by which oleomargarine can be detected, was in a fashionable restaurant recently, and when a beautiful pat of butter was placed before him, he subjected it to his test, and then he said to the waiter, "How do you pronounce, sir, o-l-e-o-m-a-r-g-a-r-i-n-e?" And that intelligent servitor of that magnificent place of pleasure responded, "I pronounce it, sir, butter; else I lose my job." [Laughter.] This legislation is to protect the conscience of that waiter; it is to prevent his being driven out of employment, reduced to poverty, and his family reduced to great distress unless he lies.

This waiter probably came to us from a foreign land. He probably never learned our language until he arrived upon our shores, and then, in order to earn an honest living, he applied himself diligently, as all our adopted citizens do, to learn the only language in the world in which God's truth can be clearly and perfectly expressed, and then he discovers that in this great and glorious country, where he has come for the enjoyment of every privilege and every liberty, upon the principle which my eloquent friend from Texas advocates, he has got to pronounce a word in the English language entirely different from anything that he has been taught in the books or learned in his family, or what it means, in order to retain a position where he is earning an honest living.

My friend from Texas says that he has talked with the farmer, and that the farmer never has expressed a desire for this measure. The farmer says, "Let me alone; I want to let everybody else alone." My impression is that my eloquent friend has been talking with the agriculturist, and not with the farmer. The agriculturist does not raise butter, unless it be the bull butter which my friend is so anxious to have presented to the public. I have received thousands of appeals for this measure from the farmers of New York.

We have no objection to oleomargarine sold as such; we have no objection to filled cheese sold as such; we have no objection to flour which has in it a substance that will never digest, if people want to put in their stomachs things which will constitute monuments over their graves after they are dead. But what we do object to is that the citizen who pays a dollar for a good article, an honest and reputable article, to take home to his wife and children, should be deluded by getting something else.

The cow does not complain of oleomargarine. The cow complains that oleomargarine, which she does not produce and can not produce unless she is killed and carved and then put into a pot and boiled, should be called that delightful substance which comes out of the wonderful chemistry which God has given the cow for the delight of the world and for the sustenance of children.

Mr. President, it seems to me that the line comes very clear on this class of legislation, not only on this article, but on all others. There is no legislature in the United States which has not had before it at one time or another, and which has not passed at one time or another, bills which have been enacted into law for the purpose of protecting the public against these chemical horrors which the ordinary household has not the means of detecting.

Nobody objects to competition when it is free from fraud. Nobody objects to competition when it is free from deceit. On the contrary, under such circumstances and conditions, let the best brain, the best energy, the best industry, the best grasp of the situation win. But there is no ability, no capacity for business, no energy, and no industry which can successfully compete with a good article against a fraudulent article where the public and the customers are deceived and where they can not detect the fraud.

I believe that if this legislation becomes a law there will be no diminution in the sales of oleomargarine or in the profits of its manufacture. I believe that it has been so long before the public that it can be sold upon its merits and that there will be a growing constituency who would prefer it to a poor article of butter, if their circumstances are such that they can buy nothing but a poor article of butter.

It is a strong point which my eloquent friend made that butter is colored, and therefore why not color oleomargarine? But colored butter is still butter, and colored oleomargarine is not still oleomargarine, according to what its seller says. To color butter does not destroy its taste, does not destroy its chemical properties, does not destroy its wholesomeness. It is still butter, with that particular color given to it which the customer wants in his butter. But when the oleomargarine is colored, it is col-

ored not to sell it as oleomargarine, but in order to follow butter as butter through all the grades of the article.

There was one part of my eloquent friend's speech which shocked me—absolutely shocked me. It would not seem possible that a gentleman who has such a command of the English language, who is so chivalrous, who talks and thinks and acts upon such a high plane as does my eloquent friend, the Senator from Texas, could shock me. But he did. When he compared the color of oleomargarine to the art by which a young lady wins the heart of her lover, I felt that the American girl had been put in a wrong position before the American people. [Laughter.]

Mr. BAILEY. I forgot for the moment a recent occurrence in the life of the Senator from New York or I should not have said it. [Laughter and applause.]

Mr. DEPEW. And but for that occurrence I should have left it for a younger man to come to the defense of the American girl. It was the Senator's youth and beauty which astonished me when he made that remark. [Laughter.] If he had been sour and acrid, if he had been disappointed in love, if the sex had treated him in any way which would lead him to speak of them in that way and remark about them in that way, then I could understand it. But no one can meet the Senator, no one can meet him socially or in his grave and dignified position as a Senator in this Chamber, no one can see his photograph on Pennsylvania avenue, no one can come in that contact with him which is always a pleasure without knowing that his geniality, his happiness, his eloquence have come because the American girl has loved and has admired him. [Laughter.] And he never ought, so soon after she appeared so entrancing in her Easter hat and gown in the churches and on the avenues of Washington, to have gone back on her to-day by saying that she is a fraudulent specimen of living oleomargarine. [Laughter.] With all her finery, flowers, and ribbons and colors, she was still the incomparable American girl.

Mr. President, I did not rise to make a speech, but I have been betrayed into it because of the peculiar, as well as eloquent way in which my distinguished friend, the Senator from Texas, presented in most attractive form the proposition that fraud and misrepresentation stand on the same plane with truth, and honesty, and open-mindedness; that fraud and misrepresentation are the honest competitors of truth and virtue. Up in Peekskill, where I was born, that was not taught in the old-school Presbyterian Church in which I was reared. It may be that in the wilds of Texas that is the way the people think, but along the Hudson River we people of Dutch ancestry learned to call a spade a spade.

We learned to call butter butter and milk milk, and we do not learn to call anything else, made in some other way, by the wonders of chemistry, whether it is better or worse, by an honest name; but we learned to call an article just what it is, and then we take it or reject it upon a full understanding of what we are buying. We are not brought up in the belief that one of the enterprising citizens of the metropolis who discovers an honest yeoman from Texas—not an agriculturist, but a farmer—in New York, and then, appealing to his cupidity, sells him a gold brick, is an honest competitor with the jeweler across the way. On the contrary, in the State of New York we have laws by which this active, energetic, and enterprising business man of our State, who, accepting the Senator's views of competition, captures this innocent agriculturist from Texas and sells him a gold brick, is seized and punished, not for selling the gold brick, but because he sold it as gold. If he had sold it as a gold brick, as amounting to nothing but brass outside and sand in, and got a gold price for it from a farmer from Texas, then the laws of New York say that that is honest competition. It is the deceit which we punish; not the art.

Mr. President, this debate has gone into many fields, and especially this evening. It is fortunate for modern eloquence that it has led on the one side and the other to two of the most attractive speeches I have ever heard in a legislative body—the Senator from Iowa [Mr. DOLLIVER] on the cow, and the Senator from Texas [Mr. BAILEY] on competition. The cow and competition will live in the annals of American oratory as presented under the forms of rhetoric, of eloquence, of fancy, and of flights of imagination which place these two Senators along with the Miltons and the Byrons of the English language. [Laughter.]

Mr. BAILEY. Mr. President, the Senator from New York [Mr. DEPEW] did not happen to honor me with his attention in the early part of what I had to say, or else he would have known that I reprobated the fraudulent practice of selling oleomargarine for butter as much as he can possibly do.

Mr. SPOONER. Intellectually.

Mr. BAILEY. My distinguished and brilliant friend the Senator from Wisconsin interposes the suggestion that I reprobate it intellectually.

The Senator from New York would have learned, had he then attended to what I said, that my contention is that the mere fraudulent practice in the sale of this article is not within the

power of Congress to correct, but is a matter entirely for the States; and in that opinion I am supported by so profound a lawyer as the Senator from Massachusetts [Mr. HOAR].

I did not rise, however, merely to call the Senator's attention to that fact, because I believe I should have left that simply to the RECORD. But after the Senator has talked about this fraud and about this fraudulent competition I simply wish to call his attention to the fact that section 3 of this bill practically legalizes the fraud at the rate of 10 cents a pound. According to section 3, if a man will pay 10 cents a pound, he can sell oleomargarine exactly as the State allows it to be sold, and it is a curious kind—

Mr. SPOONER. Which 32 States do not allow to be sold at all.

Mr. BAILEY. There are not 32 States which do not allow it to be sold at all.

Mr. SPOONER. Colored as butter.

Mr. BAILEY. Some of them went so far as to say that it must be colored pink. The State of New Hampshire went that far, and Vermont went quite as far. Of course, those laws were held unconstitutional. The State of Pennsylvania said that it should not be sold, colored or uncolored.

Mr. SPOONER. That will not do.

Mr. BAILEY. That will not do. The Senator and I agree. But my contention is this, and this is the whole of it, that if any State in this Union desires to compel this or any other product to be sold for what it is, not only do I approve that legislation, but as a member of a State legislature I should cordially support it. But when any State in this Union determines that it is immaterial whether substances exactly alike are sold either in one way or the other, then Congress, I contend, has no power to interfere, and I am sure that upon that question the Senator from Wisconsin and I agree.

Mr. SPOONER. No. If the Senator will permit me—

Mr. BAILEY. Certainly.

Mr. SPOONER. If the Congress should levy a tax of one-quarter of 1 cent a pound on oleomargarine in its natural color and 10 cents a pound upon oleomargarine colored in the similitude of butter, and should permit, as the provision placed in this bill by the House is construed by the oleomargarine manufacturers to permit, a State to authorize the sale of oleomargarine colored in the similitude of butter without tax, that would invalidate, from my standpoint, the Federal legislation altogether, because it would break the rule of uniformity. It would tax the colored oleomargarine in all the States except where some States otherwise provide, and that provision, which came in this bill from the House and which the committee of the Senate excluded from it by amendment, would render unconstitutional the Federal legislation, if there should be a State which would permit it to be sold in the similitude of butter; and if that would exempt it from the Federal tax, I say now, and I think I can prove it before this debate is ended if it is denied, that that was the object of the provision.

Mr. BAILEY. Let me ask the Senator from Wisconsin this question. Assuming that the State of Texas, we will say, would permit the manufacture and sale of oleomargarine, colored or uncolored, will the Senator from Wisconsin assert that Congress has any power to regulate, either by tax or otherwise, the manufacture and sale of any article manufactured and sold entirely within a State?

Mr. SPOONER. The Senator asks me a question?

Mr. BAILEY. Certainly.

Mr. SPOONER. I deny that the State of Texas, the State of Wisconsin, or any other State has the right to say what shall be taxed.

Mr. BAILEY. Oh!

Mr. SPOONER. Wait a minute.

Mr. BAILEY. The Senator does not understand me.

Mr. SPOONER. Wait a minute. I do understand you. I hope in a moment I shall be able to satisfy myself that the Senator understands me, which I think now he does not. Neither the State of Texas nor any other State can be permitted to say what Congress shall tax.

Mr. BAILEY. I consent to that.

Mr. SPOONER. The Senator agrees to that?

Mr. BAILEY. Yes.

Mr. SPOONER. Now, if the Congress passes a law—

Mr. BAILEY. I will agree with this modification, that Congress can not tax the facilities of a State.

Mr. SPOONER. I agree to that.

Mr. BAILEY. With that exception, I agree.

Mr. SPOONER. The instrumentalities necessary to carry on the State government.

Mr. BAILEY. Yes, sir.

Mr. SPOONER. Now, if Congress passes a law that oleomargarine in its natural color shall be taxed one-quarter of a cent a

pound, and that oleomargarine colored in the similitude of butter—I am not following the language of this bill—shall be taxed 10 cents a pound, I do deny that the State of Texas can pass a valid law authorizing oleomargarine colored in the similitude of butter to be sold without any tax. Does the Senator deny that?

Mr. BAILEY. The Senator from Wisconsin is so good a lawyer that he knows when he is coming up against a hard proposition, and he goes around it.

Mr. SPOONER. No; I did not go around it.

Mr. BAILEY. I will show—

Mr. SPOONER. I may have gone around the Senator, but I did not go around the proposition. [Laughter.]

Mr. BAILEY. I am ready to concede that the Senator from Wisconsin can easily get around me, small as he is.

Mr. SPOONER. No; I did not mean that.

Mr. BAILEY. Very well; but I will show the Senator that he did go around my proposition.

Mr. SPOONER. The man who can go around the Senator can go around anything. [Laughter.]

Mr. BAILEY. The Senator continually places me under new obligations to him for his kindness and his compliments. But to make it plain that he did, the Senator overlooks my qualification in my question—if it can lay a tax for the purpose of regulation. Therefore I will pretermitt the question of tax, and I will put the question in this way to the Senator from Wisconsin: Can the Federal Government regulate the manufacture and sale of an article which is manufactured and sold entirely within a State of the Union?

Mr. SPOONER. That begs the whole question.

Mr. BAILEY. Let me see if I can make it applicable. Will the Senator—

Mr. SPOONER. I will not put it in that way, but I will put it in this way.

Mr. BAILEY. Very well.

Mr. SPOONER. That the Congress of the United States can tax an article—

Mr. BAILEY. Oh, I am not talking about the question of taxation.

Mr. SPOONER. That is where the little joker is.

Mr. BAILEY. Exactly, and the Senator sees it.

Mr. SPOONER. Yes, of course I see it.

Mr. BAILEY. If the Senator admits that Congress has no power to regulate or prohibit the manufacture or sale of an article in a State which is manufactured and sold there, then I ask him next if it has a right to lay a tax purely intended to regulate the manufacture and the sale?

Mr. SPOONER. I say yes.

Mr. BAILEY. In other words, the Senator will contend that Congress can do by a tax not intended to raise revenue what it can not do directly?

Mr. SPOONER. No; I do not say that. I do not have to.

Mr. BAILEY. You do have to say it to meet that proposition.

Mr. SPOONER. I do not.

Mr. BAILEY. The Senator from Massachusetts did meet the question boldly in the case of the State bank tax. He said frankly "we have the power to exclude State bank circulation because it competes with our national currency, and having the right to exclude it by direct prohibition, we have a right to exclude it by taxation."

Mr. SPOONER. I met it in the same way, did I not?

Mr. BAILEY. No; because the purpose here is not to collect revenue; the purpose here is not to exclude something within the Federal jurisdiction; but the purpose here is boldly to say that Congress can regulate, by a direct prohibition, the manufacture and sale of an article entirely within a State. The Senator from Wisconsin will agree with me that the Supreme Court has distinctly held that Congress can not regulate manufacture in a State, has it not?

Mr. SPOONER. Yes.

Mr. BAILEY. It has distinctly held it?

Mr. SPOONER. Yes; in the Knight case.

Mr. BAILEY. Certainly. Then has it not distinctly held that over purely domestic commerce, articles bought and sold entirely within a State, the Federal Government is without jurisdiction?

Mr. SPOONER. I will grant that for the sake of the argument.

Mr. BAILEY. Then it follows that the Federal Government is absolutely without power to regulate either manufacture or commerce that is entirely within a State. Now, I will ask the Senator from Wisconsin if it is not true that the third section of this bill does tax the manufacture and sale of oleomargarine, though manufactured in a State and sold within the same State?

Mr. SPOONER. Yes; but does the Senator—

Mr. BAILEY. Therefore—

Mr. SPOONER. Wait.

Mr. BAILEY. Therefore—

Mr. SPOONER. Oh, no—

Mr. BAILEY. All right; I will yield.

Mr. SPOONER. Oh, no. Congress has the power to regulate interstate commerce, has it not?

Mr. BAILEY. Undoubtedly.

Mr. SPOONER. But, of course, under the power to regulate commerce among the States, Congress has not the power to regulate, or rather interfere with, commerce in the States. But does the Senator infer from that that Congress has no power to tax—

Mr. BAILEY. Not at all.

Mr. SPOONER. Oh!

Mr. BAILEY. I insist that Congress when it lays a tax for the purpose of revenue can go into the State and tax any object it pleases, provided it taxes the same object at the same rate all over the country; but I say it has no right to go into a State with a tax intended to be purely regulatory—

Mr. SPOONER. Well?

Mr. BAILEY. And the Senator agrees to that.

Mr. SPOONER. No.

Mr. BAILEY. Then why does the Senator say that Congress has not the power to regulate directly, but can regulate with a tax that is intended only to regulate it?

Mr. SPOONER. Congress has power to tax oleomargarine, has it not?

Mr. BAILEY. Undoubtedly, for the purpose of revenue.

Mr. SPOONER. For the purpose of revenue? This bill taxes it for the purpose of revenue.

Mr. BAILEY. If the Senator believes that, then this bill is a perfectly constitutional one to him.

Mr. SPOONER. I believe it.

Mr. BAILEY. Then, of course, the Senator will vote for it. The Senator says that as a lawyer, but as an economist the bill is going to prove a great failure, in my judgment.

Mr. SPOONER. I am not now in the economist business. If my friend, who is a very able lawyer and for whom I have great admiration, will permit me, does he challenge the constitutionality of the tax of one-quarter of a cent a pound upon oleomargarine?

Mr. BAILEY. I do upon one condition—that it is intended to be regulatory and not for revenue.

Mr. SPOONER. That hardly answers my question. Does the Senator think he could successfully impeach the validity of this tax in court?

Mr. BAILEY. Oh, I know I could not, because the court, as I said in the course of my speech, can not assume to look into my heart and my mind to say whether I voted for it as a regulatory or as a revenue measure. But when a Senator comes to cast his vote he knows the motive with which he casts it. Undoubtedly a Senator who votes for it upon the idea that it is a revenue measure is giving an entirely constitutional vote. My whole contention is that a Senator who votes for it as a regulatory measure, taxing manufacture and sale entirely within a State, gives an unconstitutional vote.

Mr. SPOONER. Then it follows from that that my friend will vote against it.

Mr. BAILEY. Because I believe it regulatory.

Mr. SPOONER. No; I will put it better than my friend does. He will vote against it because he thinks it is not a tax for revenue. I will vote for it because I know it is a tax which will produce revenue. [Laughter.] And it originated in that branch of Congress in which alone can a revenue bill originate. I would not for one moment impeach the integrity of the House of Representatives. Would the Senator? He came from there.

Mr. BAILEY. But I am not wanting to go back there.

Mr. SPOONER. I do not want the Senator to go back there. I think he is an acquisition to the Senate. I am glad he is here.

Mr. BAILEY. Let me make a suggestion to the Senator from Wisconsin, whose language was very guarded—

Mr. SPOONER. No.

Mr. BAILEY. That it will raise revenue, I have no doubt. How much revenue above the expense of executing it could be told by the distinguished chairman of the Committee on Finance, whose committee was never allowed to consider this revenue bill. It came neither from the revenue committee of the House nor of the Senate, but from that committee of distinguished agriculturists like the Senator from Iowa.

Mr. SPOONER. There is a clause in the Constitution which my friend knows about—for no one knows the Constitution better—which provides that bills for raising revenue shall originate in the House of Representatives, where this bill originated. I do not know myself, and perhaps that is because I come from the interior, any provision in the Constitution which requires a revenue bill sent to us by the House of Representatives in order to its validity to be referred to the Committee on Finance. Does the Senator?

Mr. BAILEY. No; there is none.

Mr. SPOONER. I thought not. So the question whether this is or is not a revenue bill does not depend upon its reference. What does my friend the Senator from Colorado say?

Mr. TELLER. I was saying—not intending it for the Senator—that there is a rule of the Senate which requires revenue bills to go to the Committee on Finance.

Mr. SPOONER. Yes; but we may disregard it, of course. We did disregard it.

Mr. TELLER. We did in this case.

Mr. SPOONER. Yes; and we have done so in other cases. My friend the Senator from Nevada [Mr. STEWART], one of the best men I know of anywhere, makes a suggestion which I think is not borne out absolutely by the record. When the present law, which imposes a tax of 2 cents a pound on oleomargarine, a revenue measure, came from the House of Representatives it was not referred to the Committee on Finance. That was sixteen years ago. It was referred to the Committee on Agriculture. It never has been contended since then that it was an invalid law because it had not been referred to the Committee on Finance, although I am disposed to doubt the validity of almost any law which relates to revenue which has not the imprimatur of my distinguished friend from Rhode Island [Mr. ALDRICH].

Mr. TELLER. Having been referred to another committee makes it none the less a revenue measure.

Mr. SPOONER. That is true, and that is the whole matter. That is an answer to the suggestion. It comes from the House as a revenue bill. It originates where under the Constitution it is required to originate, and, no matter what committee it is referred to in this body, if it produces revenue it is a revenue bill.

Mr. GALLINGER. It may be passed without a reference.

Mr. SPOONER. Yes; if it is passed without a reference, as my friend from New Hampshire suggests, it is a valid law; and does my friend from Texas challenge that?

Mr. BAILEY. No; I would not challenge it, if the Senator from Wisconsin will say that this bill is intended to raise revenue.

Mr. SPOONER. Mr. President, that is a challenge, and while I suppose that according to the modern code no man, especially if he comes from the South, has any right to challenge another, I accept good-humoredly the challenge.

Mr. BAILEY. And the Senator from Wisconsin does assert that the object of this bill is to raise revenue?

Mr. SPOONER. Yes; I say the object of this bill is to raise revenue.

Mr. BAILEY. Then I would say—

Mr. SPOONER. In other words, if my friend will pardon me, I say that we, in the exercise of the discretion which the Constitution gives us in selecting the objects of taxation, propose to select this as an object of taxation, and that it will raise and is intended to raise revenue, which will go into the Treasury of the United States to pay the debts of the United States and to provide for the common defense and promote the general welfare.

Mr. STEWART. May I ask a question? Is that the paramount object?

Mr. SPOONER. Yes; that is the primary object?

Mr. STEWART. Is it the paramount object, not the primary?

Mr. SPOONER. What is the difference between primary and paramount?

Mr. STEWART. Primary is first and paramount is above others. The paramount object, the main object, has been stated here forty times. It is to destroy a fraud.

Mr. SPOONER. You have stated it?

Mr. STEWART. I have not stated it. You destroy only a part of the fraud. The principal fraud is the coloring of butter.

Mr. SPOONER. We are going to try and destroy most of the fraud. I do not fully understand the distinction which my friend suggests between primary and paramount in this connection.

Mr. STEWART. You first want to get revenue and next you want to destroy a million industries, and the striking down of industries is much bigger than the raising of a little revenue.

Mr. SPOONER. The Senator is running away.

Mr. STEWART. I never run away.

Mr. SPOONER. I am talking about the difference between the primary object and the paramount object.

Mr. BAILEY. Mr. President—

Mr. SPOONER. I beg the Senator to allow me to continue this discussion with the Senator from Nevada.

Mr. STEWART. I can understand very well how the Senator from Wisconsin can not distinguish between paramount and primary. The first thing is to raise revenue. It is not very much revenue, and I do not think we would be engaged in this business if revenue was the principal object. But the paramount object, the great object, and every argument made for it, has reference to the destruction of an industry.

Mr. SPOONER. Will the Senator from Nevada allow me to interrupt him?

Mr. STEWART. For a question. [Laughter.]

Mr. SPOONER. I should like to ask what is the distinction between the primary object and the paramount object.

Mr. STEWART. The primary object is first, but the paramount object is the main consideration. The main consideration is to destroy an industry. That is the big object. The other is the little object.

Mr. SPOONER. I supposed, until otherwise informed by the Senator from Nevada, that the first consideration was the paramount consideration.

Mr. STEWART. Not always. You do not get the principal object first. You have covered that up.

Mr. SPOONER. They may not in Nevada, but they do everywhere else. [Laughter.] The paramount object of the bill is the fundamental and primary object of the bill.

Mr. STEWART. The primary object is a different thing altogether. [Laughter.] The primary object of this bill is to pretend to raise revenue. The paramount object is to destroy an industry. One is great big and the other is very small.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The Chair takes this opportunity to say that there should be less of disturbance.

Mr. CULLOM. Mr. President—

Mr. SPOONER. I yield to the Senator from Illinois, holding the floor on this bill.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. BAILEY. Is the Senator from Illinois going to move an executive session?

Mr. CULLOM. I am.

Mr. BAILEY. I wanted to continue the discussion with the Senator from Wisconsin for a moment.

Mr. SPOONER. I hope the Senator from Illinois will withdraw the motion.

Mr. CULLOM. I will withdraw it for a moment.

Mr. BAILEY. Mr. President, I freely conceded in the beginning that as to any Senator who believed this bill was intended to raise revenue it was a perfectly constitutional measure. I contended that as to any Senator who did not believe that it was a clearly unconstitutional measure.

My distinguished friend from Wisconsin [Mr. SPOONER] practically agrees with me in both propositions, because when pressed to the point he declared that the purpose of the bill is to raise revenue. The Senate will readily understand how the Senator from Wisconsin, adroit as he is, was trying to waive that question off.

Now, I want to read the Senator from Wisconsin, in reply to his statement, what one of the principal advocates of this bill said was the object of it, whether primary or not, aye, even if it were the object without any qualification or any adjective, it is no concern to me. The Senator from North Dakota [Mr. McCUMBER] said:

Everyone knows that this bill is intended to tax colored oleomargarine out of existence, although it is under the guise of a revenue bill which has never been referred to the Committee on Ways and Means.

Now, without intending to ask the Senator from Wisconsin to pass upon the constitutional opinion of another Senator, I will ask the Senator from Wisconsin if he believes that the primary object of this bill was to tax colored oleomargarine out of existence and they had merely used the taxing power as a disguise for their object, would he regard it as constitutional?

Mr. SPOONER. The Senator is asking me to pass upon the opinion of the Senator from North Dakota.

Mr. BAILEY. I expressly disclaimed any intention—

Mr. SPOONER. And also upon his own.

Mr. BAILEY. To ask for an expression of opinion on the statement of the Senator from North Dakota, who, of course, would settle that question for himself, because he has his view of the Constitution. The fact of it is, Mr. President—

Mr. SPOONER. I will answer the Senator's question. The question whether this tax is a revenue tax or a tax levied for the purpose of eliminating from commerce an industry is really here an abstract question. I think the tax of one-fourth of 1 cent, a reduction of 1½ cents on oleomargarine as a natural product, or as it is, is a legitimate exercise for revenue purposes of the constitutional power of taxation. Does the Senator deny that?

Mr. BAILEY. As a matter of fact I deny that that is the purpose. As a matter of law I concede that if that is the purpose the bill is entirely constitutional.

Mr. SPOONER. Mr. President, does the Senator conceive it possible that the constitutionality of such a bill can depend upon a question of fact?

Mr. BAILEY. Indeed, it would depend on that in this kind of a case entirely. In other words—

Mr. SPOONER. Does the Senator think that in a court he could overturn an act of Congress taxing oleomargarine colored in the similitude of butter 10 cents a pound, or 25 cents a pound,

upon proof that it was not intended or needed for revenue purposes, but was intended to tax an industry out of existence?

Mr. BAILEY. When you say 25 cents a pound you raise a question. The Supreme Court—

Mr. SPOONER. Call it 10 cents a pound.

Mr. BAILEY. As long as it is not absolutely prohibitory undoubtedly I could not assail the validity of the law successfully.

Mr. SPOONER. Mr. President—

Mr. BAILEY. One moment, if you please. In the New Hampshire case, where it required oleomargarine to be colored pink, the court held that that State regulation was tantamount to a prohibition, and that the law was therefore invalid. Now, if the court would follow that up—

Mr. SPOONER. I think that was right.

Mr. BAILEY. I think so. If the court were to follow that analogy and Congress were to levy a tax equal to what was clearly a prohibition, then it is a question open in that court yet whether they would sustain that tax.

In the old case of the tax upon the notes of State banks the dissenting judges, the Senator from Wisconsin will recall, laid great stress upon the fact that the tax of 10 per cent was prohibitory, but the majority of the court asserted that Congress possessed the power to destroy the State banks absolutely and by a direct prohibition upon the ground that they were an interference with the currency which the Federal Government might establish and regulate. Therefore, they held that a prohibitory tax could be sustained when a direct prohibition could be sustained, and that, in my opinion, is about as far as they have gone. I would hesitate, however, to say that positively without examining the cases. I do say undoubtedly that you could not attack successfully any bill that purported to raise revenue in a court of the country upon the ground that that was not its object, for the reason the court has so often stated that it can not inquire into the motives of the political department of the Government.

Mr. CULLOM. Now, if the discussion between the Senators is over, I should like to renew my motion.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 3, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 2, 1902.

SECRETARY OF LEGATION.

Edward Winslow Ames, of Massachusetts, to be secretary of the legation of the United States at Buenos Ayres, Argentine Republic, vice Clarence L. Thurston, resigned.

ASSISTANT SURGEON IN THE NAVY.

Dr. Francis M. Munson, a citizen of Delaware, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade), to fill a vacancy existing in that corps.

ASSISTANT PAYMASTER IN THE NAVY.

Walter A. Greer, a citizen of Missouri, to be an assistant paymaster in the Navy, with the rank of ensign, to fill a vacancy existing in that corps.

APPOINTMENTS IN THE ARMY—GENERAL OFFICERS.

To be major-general.

Brig. Gen. Robert P. Hughes, United States Army, April 1, 1902, vice Otis, retired from active service.

To be brigadier-generals.

Col. Isaac D. De Russy, Eleventh Infantry, April 1, 1902, vice Hall, retired from active service.

Col. Andrew S. Burt, Twenty-fifth Infantry, April 1, 1902, vice Guenther, retired from active service.

Col. Michael V. Sheridan, assistant adjutant-general, to rank from the date of acceptance as major-general of Brigadier-General Hughes, vice whom he is to be appointed.

POSTMASTERS.

Nelson B. Stanton, to be postmaster at Avalon, in the county of Los Angeles and State of California. Office became Presidential April 1, 1902.

Roy B. Stephens, to be postmaster at South Pasadena, in the county of Los Angeles and State of California. Office became Presidential April 1, 1902.

Arthur M. Hughes, to be postmaster at Louisa, in the county of Lawrence and State of Kentucky. Office became Presidential July 1, 1901.

George E. Swanson, to be postmaster at Woodhull, in the county of Henry and State of Illinois. Office became Presidential April 1, 1903.

George M. Francis, to be postmaster at Napa, in the county of Napa and State of California, in place of George M. Francis. Incumbent's commission expired March 9, 1902.

Wilfred W. Montague, to be postmaster at San Francisco, in the county of San Francisco and State of California, in place of Wilfred W. Montague. Incumbent's commission expired June 23, 1901.

Carroll M. Heard, to be postmaster at Elberton, in the county of Elbert and State of Georgia, in place of Ella M. Henry. Incumbent's commission expired January 12, 1902.

Marshall F. Aspy, to be postmaster at Geneva, in the county of Adams and State of Indiana, in place of Nathan Shepherd. Incumbent's commission expired January 31, 1902.

Charles H. Anderson, to be postmaster at Anamosa, in the county of Jones and State of Iowa, in place of Charles H. Anderson. Incumbent's commission expired March 22, 1902.

John L. Waite, to be postmaster at Burlington, in the county of Des Moines and State of Iowa, in place of John L. Waite. Incumbent's commission expired March 30, 1902.

James C. Harwood, to be postmaster at Clarion, in the county of Wright and State of Iowa, in place of James C. Harwood. Incumbent's commission expired March 22, 1902.

Isaac Stauffer, to be postmaster at Gladbrook, in the county of Tama and State of Iowa, in place of Isaac Stauffer. Incumbent's commission expired March 9, 1902.

Daniel J. Adlum, to be postmaster at Missouri Valley, in the county of Harrison and State of Iowa, in place of Daniel J. Adlum. Incumbent's commission expired March 22, 1902.

Cornelius Van Zandt, to be postmaster at Wilton Junction, in the county of Muscatine and State of Iowa, in place of Cornelius Van Zandt. Incumbent's commission expired March 22, 1902.

Thomas A. Sawhill, to be postmaster at Concordia, in the county of Cloud and State of Kansas, in place of Thomas A. Sawhill. Incumbent's commission expired March 22, 1902.

Samuel L. Gatrell, to be postmaster at Midway, in the county of Woodford and State of Kentucky, in place of Henry P. Waits. Incumbent's commission expired January 10, 1902.

William J. Wallace, to be postmaster at Norwood, in the county of Norfolk and State of Massachusetts, in place of William J. Wallace. Incumbent's commission expired March 31, 1902.

Davis P. Gray, to be postmaster at Whitinsville, in the county of Worcester and State of Massachusetts, in place of Davis P. Gray. Incumbent's commission expired March 16, 1902.

William S. Ostrander, to be postmaster at Schuylersville, in the county of Saratoga and State of New York, in place of William S. Ostrander. Incumbent's commission expired March 22, 1902.

Julius O. Converse, to be postmaster at Chardon, in the county of Geauga and State of Ohio, in place of Julius O. Converse. Incumbent's commission expired March 9, 1902.

Sherman H. Eagle, to be postmaster at Gallipolis, in the county of Gallia and State of Ohio, in place of Sherman H. Eagle. Incumbent's commission expired March 30, 1902.

Cassius M. Crane, to be postmaster at Garrettsville, in the county of Portage and State of Ohio, in place of Cassius M. Crane. Incumbent's commission expired March 16, 1902.

Frank Fortune, to be postmaster at Jefferson, in the county of Ashtabula and State of Ohio, in place of Frank Fortune. Incumbent's commission expired March 16, 1902.

Clyde A. L. Purmort, to be postmaster at Van Wert, in the county of Van Wert and State of Ohio, in place of Clyde A. L. Purmort. Incumbent's commission expired March 9, 1902.

E. C. Burns, to be postmaster at Reynoldsville, in the county of Jefferson and State of Pennsylvania, in place of Allen M. Woodward. Incumbent's commission expired March 16, 1902.

Hugo E. Smith, to be postmaster at McKinney, in the county of Collin and State of Texas, in place of Hugo E. Smith. Incumbent's commission expired March 31, 1902.

Edwin Fore, to be postmaster at Pittsburg, in the county of Camp and State of Texas, in place of Edwin Fore. Incumbent's commission expired March 31, 1902.

Ira D. Hurlbut, to be postmaster at Prairie du Chien, in the county of Crawford and State of Wisconsin, in place of Ira D. Hurlbut. Incumbent's commission expired March 31, 1902.

Charles E. Cragin, to be postmaster at Ada, in the county of Norman and State of Minnesota, in place of James V. Campbell, resigned.

James R. White, to be postmaster at Kalispell, in the county of Flathead and State of Montana, in place of Perley N. Bernard, resigned.

Ralph S. Tompkins, to be postmaster at Fishkill on the Hudson, in the county of Dutchess and State of New York, in place of James E. Munger, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 2, 1902.

REGISTERS OF THE LAND OFFICE.

James C. Pettijohn, of Nebraska, to be register of the land office at Valentine, Nebr.

Charles H. Titus, of Topeka, Kans., to be register of the land office at Topeka, Kans.

RECEIVERS OF PUBLIC MONEYS.

De Witt C. Tufts, of North Dakota, to be receiver of public moneys at Fargo, N. Dak.

Albert L. Towle, of Nebraska, to be receiver of public moneys at Valentine, Nebr.

J. G. Wood, of Topeka, Kans., to be receiver of public moneys at Topeka, Kans.

APPOINTMENTS IN THE NAVY.

Edward Kershner, to be a medical inspector in the Navy, on the retired list, in accordance with the provisions of an act of Congress (Private—No. 184) approved March 20, 1902.

Christopher C. Wolcott, to be a civil engineer in the Navy with the rank of captain, from the 28th day of February, 1901.

Frank O. Maxon, to be a civil engineer in the Navy with the rank of commander, from the 28th day of February, 1901.

Robert E. Peary, to be a civil engineer in the Navy with the rank of lieutenant-commander, from the 5th day of January, 1901.

George Mackay, to be a civil engineer in the Navy with the rank of lieutenant-commander, from the 28th day of February, 1901.

Frank T. Chambers, to be a civil engineer in the Navy with the rank of lieutenant, from the 5th day of January, 1901.

Charles W. Parks, to be a civil engineer in the Navy with the rank of lieutenant, from the 28th day of February, 1901.

John F. Hanscom, to be a naval constructor in the Navy with the rank of captain, from the 3d day of March, 1899.

Joseph H. Linnard, to be a naval constructor in the Navy with the rank of captain, from the 5th day of August, 1899.

Joseph J. Woodward, to be a naval constructor in the Navy with the rank of captain, from the 19th day of April, 1900.

David W. Taylor, to be a naval constructor in the Navy with the rank of captain, from the 4th day of March, 1901.

Albert W. Stahl and William J. Baxter, to be naval constructors in the Navy with the rank of commander, from the 3d day of March, 1899.

Washington L. Capps, to be a naval constructor in the Navy with the rank of commander, from the 5th day of August, 1899.

Lloyd Bankson, to be a naval constructor in the Navy with the rank of commander, from the 19th day of April, 1900.

John G. Tawressey, to be a naval constructor in the Navy with the rank of commander, from the 4th day of March, 1901.

John D. Beuret, Joseph E. McDonald, and Homer L. Ferguson, to be assistant naval constructors in the Navy with the rank of lieutenant, from the 1st day of July, 1900.

Daniel C. Nutting, jr., and Holden A. Evans, to be assistant naval constructors in the Navy with the rank of lieutenant, from the 29th day of January, 1901.

William P. Robert and Daniel H. Cox, to be assistant naval constructors in the Navy with the rank of lieutenant, from the 12th day of July, 1901.

Thomas G. Roberts and Lawrence S. Adams, to be assistant naval constructors in the Navy with the rank of lieutenant, from the 20th day of July, 1901.

Thomas A. Gill, to be a chaplain in the Navy with the rank of captain, from the 9th day of June, 1901.

Walter G. Isaacs, to be a chaplain in the Navy with the rank of commander, from the 9th day of June, 1901.

The following-named chaplains to have the rank of lieutenant from the 3d day of March, 1899:

William G. Cassard.

Arthur O. Sykes.

William T. Helms.

Frederic C. Brown.

Curtis H. Dickins.

Omenzo G. Dodge, to be a professor of mathematics in the Navy with the rank of commander, from the 17th day of December, 1899.

Stimson J. Brown, to be a professor of mathematics in the Navy with the rank of captain, from the 25th day of August, 1900.

Henry M. Paul, to be a professor of mathematics in the Navy with the rank of commander, from the 25th day of August, 1900.

Edward K. Rawson, to be a professor of mathematics in the Navy with the rank of captain, from the 25th day of November, 1900.

Aaron N. Skinner, to be a professor of mathematics in the Navy with the rank of commander, from the 25th day of November, 1900.

Philip R. Alger, to be a professor of mathematics in the Navy with the rank of commander, from the 22d day of May, 1899.

The following-named pay officers to be paymasters in the Navy with the rank of lieutenant-commander, from the 3d day of March, 1899:

Charles W. Littlefield.
Arthur Peterson.
William W. Galt.

John R. Martin, to be a paymaster in the Navy with the rank of lieutenant-commander, from the 22d day of November, 1899.

The following-named pay officers to be paymasters in the Navy, with the rank of lieutenant-commander, from the 8th day of December, 1899:

Charles M. Ray.
Mitchell C. McDonald.
Eustace B. Rogers.

The following-named pay officers to be paymasters in the Navy with the rank of lieutenant-commander, from the 22d day of September, 1901:

Leeds C. Kerr.
Richard T. M. Ball.
Charles S. Williams.
Thomas J. Cowie.

The following-named pay officers to be assistant paymasters in the Navy with the rank of lieutenant (junior grade), from the 20th day of May, 1901:

Hugh R. Insley.
George M. Stackhouse.
Grey Skipwith.
Trevor W. Lentze.
McGill R. Goldsborough.
David V. Chadwick.
Eugene C. Tobey.
Arthur H. Cathcart.

I nominate the following-named medical officers to be surgeons in the Navy with the rank of lieutenant-commander, from the 3d day of March, 1899, viz:

David O. Lewis.
Howard E. Ames.
Frank Anderson.
Phillips A. Lovering.
William R. Du Bose.
Charles T. Hibbett.
Nelson H. Drake.
Henry G. Beyer.
John M. Steele.
James E. Gardner.
Millard H. Crawford.
George P. Lumsden.
Emlyn H. Marsteller.
James C. Byrnes.
Samuel H. Griffith.

To be surgeons in the Navy with the rank of lieutenant-commander, from the 8th day of December, 1899:

Averley C. H. Russell.
Clement Biddle.

Henry T. Percy, to be a surgeon in the Navy with the rank of lieutenant-commander, from the 30th day of August, 1900.

To be surgeons in the Navy with the rank of lieutenant-commander, from the 22d day of September, 1901:

James D. Gatewood.
Oliver Diehl.

The following-named medical officers to be passed assistant surgeons in the Navy with the rank of lieutenant, from the 3d day of March, 1899, viz:

William C. Braisted.
Sheldon G. Evans.
Adrian R. Alfred.
John E. Page.
Middleton S. Guest.
Joseph A. Guthrie.
Charles M. De Valin.
Charles P. Bagg.
Carl D. Brownell.
Henry D. Wilson.

The following-named medical officers to be passed assistant surgeons in the Navy with the rank of lieutenant, from the 1st day of July, 1899, viz:

Lewis Morris.
John M. Moore.
Brownlee R. Ward.
Edward M. Shipp.
Charles E. Riggs.

To be passed assistant surgeons in the Navy with the rank of lieutenant, from the 1st day of July, 1900:

James F. Leys.
Frank C. Cook.

To be passed assistant surgeons in the Navy with the rank of lieutenant, from the 26th day of December, 1900:

Ammen Farenholt.
Charles P. Kindleberger.

To be passed assistant surgeons in the Navy with the rank of lieutenant, from the 29th day of January, 1901:

Arthur W. Dunbar.
Theodore W. Richards.
Reginald K. Smith.

To be passed assistant surgeons in the Navy with the rank of lieutenant, from the 1st day of July, 1901:

Jacob C. Rosenbleuth.
Moulton K. Johnson.

The following-named medical officers to be assistant surgeons in the Navy with the rank of lieutenant (junior grade), from the 7th day of June, 1901, viz:

Thomas McC. Lippitt.
Barton L. Wright.
Ralph W. Plummer.
Henry E. Odell.
James S. Taylor.
Joseph A. Murphy.
John T. Kennedy.
Karl Ohnesorg.
Charles N. Fiske.

PROMOTIONS IN THE NAVY.

Commander Frederick M. Symonds, to be a captain in the Navy from the 16th day of March, 1902.

Lieut. (Junior Grade) Hutch I. Cone, to be a lieutenant in the Navy from the 9th day of February, 1902.

Civil Engineer Mordecai T. Endicott, United States Navy, to be Chief of the Bureau of Yards and Docks, in the Department of the Navy, with the rank of rear-admiral, from the 4th day of April, 1902.

POSTMASTERS.

Sarah K. Travis, to be postmaster at Magnolia, in the county of Pike and State of Mississippi.

Charles W. Adams, to be postmaster at Gillett, in the county of Teller and State of Colorado.

John H. Tripp, to be postmaster at Carrollton, in the county of Carroll and State of Ohio.

Ada Hunter, to be postmaster at Kinston, in the county of Lenoir and State of North Carolina.

William I. Madeira, to be postmaster at Hilo, in the county of Hawaii and Territory of Hawaii.

Joseph A. Shriver, to be postmaster at Manchester, in the county of Adams and State of Ohio.

Martin L. Miller, to be postmaster at Steubenville, in the county of Jefferson and State of Ohio.

Edwin R. Smith, to be postmaster at Mound City, in the county of Linn and State of Kansas.

John McL. Dorchester, to be postmaster at Pauls Valley, in the Chickasaw Nation, Ind. T.

William M. Stolz, to be postmaster at Marlow, in the Chickasaw Nation, Ind. T.

William F. Jobes, to be postmaster at Brookhaven, in the county of Lincoln and State of Mississippi.

Bruce Dennis, to be postmaster at La Cygne, in the county of Linn and State of Kansas.

William F. Elgin, to be postmaster at Corinth, in the county of Alcorn and State of Mississippi.

Charles W. Searls, to be postmaster at Madison, in the county of Lake and State of Ohio.

William L. Buford, to be postmaster at Nicholasville, in the county of Jessamine and State of Kentucky.

Ellsworth D. Scheble, to be postmaster at Wenatchee, in the county of Chelan and State of Washington.

Seth W. Collins, to be postmaster at McComb, in the county of Pike and State of Mississippi.

Annette Simpson, to be postmaster at Pass Christian, in the county of Harrison and State of Mississippi.

David M. Graham, to be postmaster at Mahanoy City, in the county of Schuylkill and State of Pennsylvania.

Robert Z. Bennett, to be postmaster at Beresford, in the county of Union and State of South Dakota.

Thomas B. Leland, to be postmaster at Water Valley, in the county of Yalobusha and State of Mississippi.

Lizzie Baldwin, to be postmaster at Canton, in the county of Madison and State of Mississippi.

Charles H. Jones, to be postmaster at Arlington, in the county of Snohomish and State of Washington.

John C. Stoughton, to be postmaster at Geddes, in the county of Charles Mix and State of South Dakota.

Ida McKeand, to be postmaster at Lexington, in the county of Cleveland and Territory of Oklahoma.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 2, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

BRIDGE ACROSS LITTLE TENNESSEE RIVER.

The SPEAKER. The Chair lays before the House the bill S. 3231, there having been a House bill of similar purport reported favorably to the House.

The bill (S. 3231) to legalize and maintain a new steel bridge erected in place of the old wooden structure across the Little Tennessee River at Niles Ferry, Tenn., by the Atlanta, Knoxville and Northern Railroad, was read.

Mr. DAVIS of Florida. Mr. Speaker, I ask that the Senate bill just read be put on its passage. A House bill similar in its provisions has been favorably reported by the Committee on Interstate and Foreign Commerce. I made that report by direction of the chairman of the committee. The only difference between the two bills is that in this Senate bill there are certain amendments which seem to make it more satisfactory to such members of the Tennessee delegation as are interested in the subject. They all assent to it. This bill passed the Senate unanimously, and the corresponding bill of the House has been unanimously reported by the committee. I ask, therefore, that this Senate bill may be put on its passage.

The SPEAKER. Are the bills now substantially the same?

Mr. DAVIS of Florida. Yes, sir.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. DAVIS of Florida, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. In the absence of objection, the corresponding House bill, No. 9964, will be laid on the table.

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

On motion of Mr. CANNON, the House resolved itself into Committee of the Whole House on the state of the Union (Mr. LAWRENCE in the chair), and resumed the consideration of the sundry civil appropriation bill.

The Clerk read as follows:

Improvement of the Yellowstone National Park: For the improvement of the Yellowstone National Park, in accordance with the approved project, including the maintenance of existing improvements, to be expended by and under the direction of the Secretary of War, \$250,000, to be immediately available: *Provided*, That the Secretary of War may enter into a contract or contracts for such labor and materials as may be necessary for the completion of the project, including annual maintenance and repairs, or the work may be done and the materials purchased otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in any one year \$250,000, and not to exceed in the aggregate \$500,000, exclusive of the amounts herein and heretofore appropriated: *And provided further*, That of the amounts so appropriated not to exceed \$50,000 may, in the discretion of the Secretary of War, be expended in the Yellowstone Forest Reserve east of the park, and not to exceed \$25,000 may be expended in the Yellowstone and Teton Forest Reserves south of the park.

Mr. SULZER. Mr. Chairman, it is a matter of much personal gratification to me to find in this sundry civil bill a liberal appropriation for the proper care and the immediate and continued improvement of our great national park. The people familiar with this subject will approve this provision now, and posterity, which will realize more fully its benefits, will commend us for our foresight and judgment in a spirit of eternal gratitude. This money will be well and wisely spent, and its expenditure will create lasting results that will please, instruct, and benefit humanity for ages yet to come.

Mr. Chairman, Yellowstone Park is the world's wonderland. It beggars description. The most eloquent tongue fails to describe its surpassing wonders, and the gifted pen of the most imaginative poet can not adequately picture the infinite variety of its sublime realities. After you have read and heard all that mortal man can say, you must see it yourself to fully appreciate all its glories and startling revelations. It never palls; the eye never tires. From the time you leave Livingston until you return, the scenery is an inspiration and simply indescribable. It is one grand panorama of loveliness beyond comparison, a symphony of colors, a combination of architectural miracles.

Take it all in all, Yellowstone Park is the greatest, the grandest, the most picturesque, and the most marvelous picture in nature's art gallery—painted in all the radiant colors of the rainbow by the unerring, heroic hand of the Infinite—sculptured by the Supreme Creator of the universe—a testifying demonstration that the Great Jehovah liveth.

The establishment of this magnificent park, to be forever safe from the destroying vandal, and sacred for all time from the devastating hand of greedy commercialism, does great credit to the farseeing statesmanship of the men who conceived it, and to those

who are now faithfully executing a great trust for the benefit of millions yet unborn.

This national park was dedicated to humanity. It belongs to the people. It is sacred to nature. No vandal must ever be permitted to desecrate it. Every citizen of the Republic should behold its glories and witness the beauties of nature's most perfect picture. I hope more people every year will visit this inspiring park, and I know they will go away benefited in mind and body. As the years come and go it will become more and more a sanitarium for the afflicted, an art gallery for the lovers of the beautiful, a Bohemia for the lotus-eating dreamers of the Better Day, and a great national playground, the recreation place of millions of the citizens of the Republic, where the rich and the poor, the great and the small shall have an equal right to enjoy and commune with nature in her primeval wonders and in all her pristine glories.

The provisions in this bill for Yellowstone Park are made, I am informed, in accordance with the recommendations of Capt. Hiram N. Chittenden, a distinguished officer in the Engineer Corps of the Army, now detailed to the park and in charge of the improvements. He is beyond all question the right man in the right place. He has done and is doing a great work, not sufficiently appreciated, perhaps, by the unthinking and the casual observer, but the work itself will be his lasting monument, and the consciousness of duty well done for duty's sake will be his greatest reward.

I visited the park last summer, saw for myself, and speak from personal knowledge. Every member of Congress should uphold the hands of Captain Chittenden, and all his commendable efforts should be encouragingly sustained by the Government. I am and ever will be a friendly advocate of Yellowstone Park, and in or out of Congress I will always do all in my power for its best interests; and I am glad in this connection to pay a just and merited tribute to the genius of gallant Captain Chittenden.

Now, Mr. Chairman, just a few words more. In my opinion the western boundary of the park should be extended to include Jackson Lake, the Teton Mountains, and the domain sometimes called the Hole in the Wall. Every disinterested person with whom I have talked concerning this matter has concurred in this conclusion. Aside from the beauties of the natural scenery of this adjoining land to the park, it is of great importance that it should be incorporated into the park for the reason that the wild animals, especially the deer, the elk, and the buffalo, roam there from the park during certain seasons of the year, and hunters lying in wait slaughter them remorselessly.

This is a shame and should be stopped, and the best way to do it is by an extension of the park's boundary. It will cost little to do this now, and in my judgment Yellowstone Park will ere long become the last place in this country where the wild game—the big game—can live out their natural lives unmolested by the barbarian pot-hunter and the semicivilized sportsman. Every loyal friend of the national park and every true friend of our wild animals should favor this extension of the boundary of Yellowstone Park. It should be acted on now. No time should be lost.

This additional territory can be obtained to-day by the United States Government very cheaply, and it ought to be taken in before its value increases.

Now, Mr. Chairman, I trust the provision in this bill for Yellowstone Park will be passed without modification. It is truly in the interest of the people, and the distinguished chairman of the Committee on Appropriations, in my judgment, is entitled to much commendation and the thanks of the American people for his broadminded statesmanship in the matter. [Applause.]

Mr. GRAHAM. Mr. Chairman, I simply desire to corroborate all that has been said by the gentleman from New York [Mr. SULZER], and I think the committee in increasing this appropriation has met a want which has been felt for many years, and that is the improvement along broad and generous lines so necessary in this park. The extension of the boundaries of the park is also an important matter which should be looked after by Congress. The committee, however, in its judgment, has seen fit to increase the appropriation for the improvement of the roads upon a basis which will inure to the benefit of the traveling public in particular, and to the country at large. I hope sincerely that the appropriation will be passed as proposed by the committee, and that no objection will be presented.

Mr. ADAMS. Mr. Chairman, the gentleman from New York [Mr. SULZER], in speaking in favor of this appropriation, has said he visited this park recently. It was my good fortune to be on the first expedition of 1871 under the auspices of the United States Geological Survey and under the immediate charge of Prof. F. V. Hayden, the first party which ever explored the Yellowstone Park. Never shall I forget, as the wonders of that region burst upon our view in almost every mile that we covered

after we entered the Fire Hole Basin and the region surrounding the Yellowstone Park, the impression it made upon me. It seemed almost as if we had entered into a combination of fairylands and infernal regions. The first impression on one hearing the rumbling and the thunder of the land before the eruption of Old Faithful, as we first viewed it, is an impression made upon a man in his youth, which can never be obliterated. It will be an everlasting monument to the memory of Professor Hayden and his able assistant, James Stevenson, that they at once conceived the idea that this region should be preserved forever as a public park for the uses and the pleasure of the American people.

One must visit that region to realize its great attraction. One must be there from year to year over a long course of time to have seen how the large game has gradually been obliterated from our country, until now there are but a few specimens left, and those mainly in the zoological parks of our country. The only hope for the preservation of the bison, commonly known as the buffalo, will be in the regions of this park. It is essential that this appropriation be made, and I wish to assure my colleagues that money expended in the preservation of this region is money well spent for the benefit of the entire American people. It is now under the Government control. It is thrown open to all the American people. The rates of travel and the rates of board are regulated by the Government. There is no imposition on the people. This great natural preserve is kept for their benefit, and I trust that this appropriation which tends to preserve that interesting and wonderful region will not be altered, amended, or changed in any respect. [Applause.]

The Clerk read as follows:

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of two civilian commissioners and the assistant in historical work; maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; and model in relief of the Nashville and of the Atlanta battlefields; for roads and their maintenance, and for the purchase of land already authorized by law; in all, \$50,000.

Mr. MADDOX. Mr. Chairman, I would like to ask the chairman of the Committee on Appropriations a few questions in regard to this matter. I would like to know what are the fixed charges in this sum appropriated for the park; that is, how much is paid out for salaries, etc.

Mr. CANNON. They are as follows:

Amount estimated for.....	\$50,000
ESTABLISHMENT.	
Salaries.....	\$22,140
Mileage, contingencies, etc.....	1,000
Lodges.....	3,600
New York monument foundation.....	3,000
Monument foundations other than New York.....	1,000
Gun carriages.....	1,920
Wall or iron fence, Point Park, 900 feet.....	2,800
Road and paths in Point Park.....	1,000
Guttering and betterment of roads.....	2,000
	38,460
MAINTENANCE.	
Maintenance and repair.....	9,540
Regular supplies.....	2,000
	11,540
Total.....	50,000

Mr. MADDOX. So that of this sum of \$50,000 appropriated for Chickamauga Park there is practically half, or \$25,000, for salaries and mileage.

Mr. CANNON. Almost.

Mr. MADDOX. One dollar, in other words, is paid for the expense of some salaried official or mileage for every dollar that is put upon the park. Now, there is one thing I am glad to see that the Appropriation Committee has incorporated in this bill, and I desire to call the attention of the House to it in the few minutes that I have. I refer to the section beginning at the bottom of page 98, that the Secretary of War is authorized and directed to prepare and submit in the annual estimate at the next session of Congress a proposition providing for the consolidation of the existing commissions having charge of the several national military parks, etc. Now, we have these parks scattered all over the country, and we have, I think, about three park commissioners appointed for every park, paying them probably \$3,500 a year salary. It is my judgment, and I am satisfied that the committee will agree with me on this subject, that all we need of these park commissioners are three, and those three should be located in the city of Washington, and then have a superintendent for each one of these parks. In that way when we appropriate \$50,000 for the improvement of these battlefields we can get some benefit of this money; but as it is now here is an appropriation of \$50,000 for Chickamauga, and yet absolutely \$25,000 of it is paid as mere sinecures—that is, for salaries—for somebody.

Why, if you go back to the beginning, there has been money enough spent here for the survey of Chickamauga Park, from the start to the finish, to have surveyed the greatest railroad in

the United States. There is not a doubt about that. These positions are mere sinecures, and I am glad to see that the Committee on Appropriations have started out to call the attention of the country to the matter, as I wish to do now. You see there is an appropriation of \$50,000 here in this bill, and \$25,000 of it goes merely for salaries to somebody to do nothing.

Mr. PARKER. Mr. Chairman, the remarks of the gentleman who has preceded me have made it necessary that I should say what I have to say a little earlier than I expected to. The Committee on Military Affairs and their subcommittee on parks have already taken up this question. One of the members of that committee on the 4th of March introduced a bill (H. R. 12092) relating to that matter and providing for the appointment either of certain officers in the War Department or else a single central commission to work with the aid of such officers, in order to have a central scheme for the management of these military parks. How soon that can be put into full operation we do not know; but the matter is already before the War Department for a report to the Military Committee, with whom the subject properly resides. We expect that report in a day or two, and this very morning we have had a hearing and have had before us a prominent general in that Department, who was formerly in charge of the rebellion records of the Union and Confederate armies. At this hearing the committee went over the possibilities with reference to this matter, in order that it may be put on a proper basis.

Mr. MADDOX rose.

Mr. PARKER. I prefer that the gentleman should wait a moment, but I will yield for an interruption.

Mr. MADDOX. I was simply going to remark that I did not know that bill was pending before your committee or the House, and I wanted to indorse what the other committee had done in this direction.

Mr. PARKER. We do not wish to postpone until the next session of Congress the report of the Secretary of War on this subject, and therefore I shall make the point of order against the proviso contained in this bill, not because it is not right that such a system should be adopted, but because we want it to be investigated now. Propositions are pressing upon our committee for military parks at Stone River, at Perryville, at Appomattox, at Petersburg, at Fredericksburg, and at Atlanta, and in each case the acquisition of land and the appointment of an expensive commission are urged.

In one or two of these places the parks can not be established unless options now before us are taken advantage of, and at the same time we feel that the country will not endure the establishment of one commission after another, involving the appointment of a new commission in each case, with positions which have been referred to here as sinecures. We have before us, however, an example of one park which has not been carried on in this way. As will be seen by this bill, Antietam carries an expense of but \$1,500 a year, while the others involve an expenditure of \$45,000, \$50,000, and \$75,000 a year. The reason for this is that at Antietam, in order to preserve the appearance of the ground as the battle was fought, in order to make it a real place of patriotic memories instead of an artificial picnic ground, the War Department followed the plan not of purchasing the ground, but of obtaining narrow lanes along the battle lines of the various armies and the intrenchments and of putting upon these lanes simple and expensive monuments, showing the directions in which the lanes were crossed by the lines of battle and indicating the points of vantage from which a survey of the field could be obtained.

The whole expense of laying out that field, including an observation tower and all those routes to which I have referred and the wire fences along them, involve an expenditure of only a few tens of thousands of dollars. Now the work is complete and the annual expense is but \$1,500 a year for the maintenance and repair of those roads, and yet everything is indicated just as it was. On some of the other famous battlefields the disposition of every commission to enlarge its own work and the loving enthusiasm of the people who want monuments there have resulted in the employment of landscape gardeners and artists, who in some cases, I dare say, have so improved these fields that they do not look like the old battle grounds in any respect whatever.

In conclusion, this question is now before our committee, and without repeating what I have just said to the House, I shall make the point of order to the clause on page 99, when it is reached, that it is new legislation and not within the purview of an appropriation bill.

Mr. MAHON. I should like to ask the gentleman a question.

Mr. PARKER. Certainly.

Mr. MAHON. Have you visited the battlefield of Antietam?

Mr. PARKER. Yes.

Mr. MAHON. Do you think the roads are in good condition?

Mr. PARKER. They were when I was there a few years ago.

Mr. MAHON. You had better go and look at them now, and then you will revise your speech.

Mr. CANNON. If the gentleman makes his point of order, I will try and meet it as best I can. Touching the query of my friend, this legislation for Chickamauga Park, Gettysburg, Shiloh, Vicksburg, was legislation that was enacted under the lead of the Committee on Military Affairs. I trust I have the gentleman's attention. It authorizes commissioners' salaries, as I recollect, of about \$3,500 a year. They have a regular full outfit. The Antietam improvement was not made by virtue of any general legislation. It was picked up on a general appropriation bill when the present junior Senator from Maryland [Mr. McCOMAS] was a member of the Committee on Appropriations. It was in his district, and I suppose was subject to a point of order. But it was entered upon. The improvement was made, and I think quite deserves the approval of my friend. Now, for this improvement there is \$1,500 a year for a superintendent that looks after it. That is all that is needed. In other words, it is a battlefield that is marked.

Now, I want to say to my friend from New Jersey, that of all these Commissions, so far as I know and believe, the Chickamauga Commission has done its work most promptly; and I was gratified when General Boynton, one of these commissioners, in the examination hearings before the subcommittee, stated that after this year there was no further use for that commission; that he was satisfied that one commissioner could do the work, or it could be done without a commission. That is a little extraordinary, when somebody that belongs to a commission should suggest that at some time it may be dispensed with.

I have no doubt that some time ago most of these commissions might have been profitably dispensed with. Here was a general law. The Committee on Appropriations is restricted under the rules to appropriate in pursuance of existing law. The Committee on Military Affairs, having legislative jurisdiction, did not move last year, the year before last, and the year before that. I do not see any signs of its moving. On our examination we thought something ought to be done, and without attempting to usurp jurisdiction of any other committee, we put a provision in a little further on that, in my opinion, is not subject to the point of order; but I will meet that when the point of order comes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Shiloh National Military Park: For continuing the work of establishing a national military park on the battlefield of Shiloh, Tennessee; for the compensation of 3 civilian commissioners and the secretary, clerical, and other services, labor, land, iron gun carriages and historical tablets, maps and surveys, roads, purchase and transportation of supplies and materials, office and other necessary expenses, \$40,000.

Mr. CANDLER. Mr. Chairman, I want to ask the chairman of the Committee on Appropriations if he can inform us how much has been expended up to date on the Shiloh National Park?

Mr. CANNON. In a moment. The appropriations—and I take it that the appropriations fairly measure the expenditures—for 1896 were \$75,000; for 1898, \$60,000; for 1899, \$55,000; for 1900, \$55,000; for 1901, \$55,000; for 1902, \$50,000, and this bill recommends \$40,000, making altogether about \$375,000 or \$380,000, and this \$40,000 makes over \$400,000.

Mr. CANDLER. Over \$400,000?

Now, why I asked this question was simply to say this: This Shiloh National Park is situated, as all very well remember, upon the banks of the Tennessee River, some 21 miles from the city of Corinth, in which I reside. There has been expended, in accordance with the statement made by the chairman of the Committee on Appropriations, including the appropriation in this bill, something over \$400,000 for the establishment and beautifying of this park. There is no way by which this park is accessible. By actual measurement from the park to the center of the city of Corinth it is 21 miles. The park commissioners have constructed, in the direction of the city of Corinth, a macadamized avenue or road 5 miles in length. At the city of Corinth there is a national cemetery, and also one located at Pittsburg Landing, where this park is also located.

There is a Government macadamized road extending from the national cemetery at Corinth to the center of the town. It has been taken up by the city at its terminus and extended a mile in the direction of this park by the construction of a macadamized street. The park commissioners have constructed 5 miles of road, the city of Corinth has constructed 1 mile of road, which leaves a gap of 15 miles, which, if covered by the construction thereon of a macadamized road, would make a complete roadway from the railroad point, at Corinth, to the national park at Shiloh. Every year people gather at Corinth from one end of the country to the other who desire to visit this battlefield. During every week almost in the year there are people who come to Corinth for the purpose of going to the battlefield; but, during the winter months especially, the roads are bad, and the consequence is that they have great difficulty in getting to this park, and a great many

who would otherwise go do not go at all, because of the inaccessibility of the park.

Early in this session of Congress I introduced a bill providing for the construction of a road to fill this gap between the city of Corinth and Shiloh National Park. I introduced this bill at the request of the Gray and the Blue, indorsed at one of their annual reunions by a formal resolution in a meeting which they held upon the battlefield. In this month there will be another meeting of the Blue and the Gray there, as occurs each and every year. They are greatly interested in the construction of this road; and while some members here contend that it is not good policy for the Government of the United States to go into the business of constructing roads over the country, I say that this is an exceptional situation, and, in my judgment, upon proper investigation this road will commend itself not only to the people at large, but, in my judgment, it will recommend itself to the Congress of the United States, especially in view of the fact that it is desired by both the Blue and the Gray in order to make this park accessible to people who desire from time to time to go there and inspect it and look over the battlefield.

The bill I introduced has not yet been reported. I trust later we may have a report on it and a favorable report. I believe if a favorable report is made on this bill, it will commend itself to every member of the House, because of the fact that if the bill should pass and become law the road would be built along a way where every single inch of the ground is historic territory. From the city of Corinth to the Shiloh Park this road would pass all the way through a battlefield, and to anyone who desires to see that battlefield, which is one of the most historic, it would be of great benefit, and especially so in view of the construction of this park on the Shiloh battlefield, which has cost already about \$400,000.

I also desire to say that in the battlefield at the city of Corinth the breastworks can still be seen in a reasonable state of preservation just as they were when the two contending foes met upon that "field of carnage." These breastworks still stand as silent but glorious monuments of the bravery and dash of the Blue, and the chivalry and undaunted courage of the Gray, now a "common heritage" of the greatest, the bravest, the noblest, and most chivalrous people on earth. It was upon this battlefield that Col. W. P. Rodgers, one of the bravest of the brave Confederates, fell leading a Texas brigade and carrying the colors, and his great courage and soldierly bearing so attracted the admiration of the contending foe that he was buried by the order of the Federal general commanding with the honors of war [applause], the second instance of the kind, as I recollect, in all the history of the world. On this battlefield he was laid to sleep wrapped in the colors of the South by the hands of the North, and in that glorious grave he rests to-day awaiting the great resurrection morn, covered with the halo and glory of both armies. Though dead, he will ever live in the hearts of his countrymen.

I am proud of the fact that he was a native Mississippian, and in one of the principal streets of my home city there is an imposing monument erected to his memory, and around his grave there is a beautiful little park, established by the city and cared for by loving hands and warm hearts of sweet women and noble men from their own free contributions. [Applause.] Now, it is these two great battlefields of Corinth and Shiloh which my proposed road will connect and make accessible to the people of the United States who desire to visit these historic spots which commemorate American manhood and this Republic's glory. [Applause.] People traveling from one of these points to the other over this road, in case it should be constructed, would have an opportunity to view every part of the historic ground intervening between the two great battlefields—one at Shiloh and the other at Corinth.

I call attention to the matter at this time in order that you may consider it and in order that it may receive at least proper and full investigation. The bill which I introduced—I wish to impress this fact upon the attention of the House—was introduced by the direct request of "the Blue and the Gray," expressed in a formal resolution passed at a meeting held by them at this battlefield, at which time they appointed a committee, by which this bill was drafted and sent to me with the request that I introduce it. I have done so in pursuance of that request. I ask that the question may be considered and investigated. What practical benefit is there in the Government expending these hundreds of thousands of dollars on this park—and I am not opposing the park—when it is inaccessible? That is the question I want you to consider, and which I desire to leave with you. Consider it and help me to get this bill favorably reported and then passed, and let us construct this road and thereby connect these two great battlefields, these two national cemeteries, and make this park accessible. [Great applause.]

[Here the hammer fell.]

Mr. CANNON. No amendment has been offered, I believe, to the paragraph last read; and I shall be content with a single

sentence. I have nothing but the best feeling toward the gentleman and his constituents; but I hope if there should come up any legislative provision that the United States should acquire from the State of Tennessee a public road for the purpose of improving it, the measure will not meet with favorable consideration in this House.

Mr. CANDLER. Suppose the people should donate the ground on which the road is to be constructed?

Mr. CANNON. That would not make any difference. I would not want the Government to take it as a gift. I have no doubt that the people there would be glad to donate it; and I have no doubt that all my people in Illinois would be glad to donate all the public roads there to the General Government. Such would no doubt be the disposition in many other localities throughout the United States, for the Government when it takes charge of a road makes very good road improvements.

But, Mr. Chairman, the best way to secure the improvement of those 15 miles of road down there in Tennessee, so that travelers will not suffer inconvenience in the muddy season, is for our good friends there to come up shoulder to shoulder, as the people do in similar cases in Illinois and elsewhere, and make such improvements on that road as will make it what it ought to be.

The subject is not here for consideration, and that is all I have to say about it. I ask that the Clerk read.

The Clerk read as follows:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners, the secretary and historian; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and tablets giving historical facts, compiled without praise and without censure; maps and surveys; roads, bridges, restoration of earthworks, purchase and transportation of supplies and materials; office and other necessary expenses, \$100,000.

Mr. CANNON. I move to amend by inserting before the word "tablets," in line 20, the word "historical."

The amendment was agreed to.

The Clerk read as follows:

The Secretary of War is authorized and directed to prepare and submit, in the annual estimates, at the next session of Congress a proposition providing for the consolidation of the existing commissions having charge of the several national military parks, or substituting therefor a commission consisting of one or more members to have charge and direction, under the War Department, of the future improvement, care, and maintenance of all of said military parks. The Secretary of War shall also submit estimates for each of said parks in accordance with the proposition herein required to be submitted.

Mr. PARKER. Mr. Chairman, on the paragraph just read I desire to make a point of order, for two reasons. This paragraph authorizes and directs the Secretary of War to submit estimates and a proposition for new legislation—

Mr. CANNON. If the gentleman will yield a moment, I wish to ask the Chair whether points of order were reserved on this bill.

The CHAIRMAN. The Chair understands that when the bill was reported all points of order were reserved.

Mr. CANNON. All right.

Mr. PARKER. Mr. Chairman, this section authorizes and directs a Government officer to do a certain thing. That, in my judgment, is legislation. That is the first point that I make against the paragraph. The second is that legislation with reference to military parks—and I do not speak of appropriations for them, but of legislation as to the constitution of the commissions having charge of such parks and for the abolition of such commissions—that whole subject belongs to another committee, the Committee on Military Affairs.

The responsibility for initiating such legislation is upon that committee, who have now before them at least 10 bills for the establishment of new parks and new commissions. They have also under consideration the question whether the management and control of the older parks can be more efficient and economical. The question of national cemeteries is also before that committee. It has the responsibility of these matters, and it is not in accordance with the rules of the House that an appropriation bill, reported by the Appropriations Committee, should trench upon the rights of the Military Committee. I think the gentleman in charge of this bill will recognize the desire for the public service which prompts my objection.

This appropriation bill was reported on the 28th day of March, and the bill to which I have just referred, introduced by the gentleman from Minnesota [Mr. STEVENS], providing for a single commission, was introduced on the 4th of March, so that we are already in charge of this subject, investigating it, and expect to have a report from the Secretary long before the next session.

I submit to the Chair my point of order.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] wish to be heard on the point of order?

Mr. CANNON. It seems to me, Mr. Chairman, that this paragraph is not subject to a point of order. I do not think this is new legislation within the meaning of the rules. It directs the Secre-

tary of War to submit an estimate covering a proposition for the consolidation of the commissions having charge of these parks, etc. That is all. It does not change the law. It is in the form of a resolution of inquiry—

Mr. STEVENS of Minnesota. Will the gentleman allow me to ask whether the paragraph does not propose a change of law by providing that with the estimates the Secretary of War shall submit proposed legislation? Is not that a change of law?

Mr. CANNON. Well, it seems to me that within the meaning of the rules it is not. In other words, it does not affect the expenditure of a dollar; it does not change the law touching these parks. It is in the nature of a resolution of inquiry. And the gentleman who makes the point must admit it is apt and appropriate. That is all I care to say.

I yield to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Chairman, it seems to me that it would help to clear thinking upon this point of order which the gentleman from New Jersey [Mr. PARKER] interposes by recurring to the language of the rule. That rule, which is the second paragraph of Rule 21, provides as follows:

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

That part of the rule clearly has no relevancy to the pending point of order, because the paragraph under consideration makes no appropriation whatever, and if that paragraph is not in order it is because it is obnoxious to the part of the rule which I will now read:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

I submit, respectfully, that there is nothing in this paragraph which changes any existing law. If this act becomes a law there will be no change in any existing statute law of the United States. There has been no law pointed out which this would change, and it is simply—as the gentleman from Illinois [Mr. CANNON] has said, and exhausted the question in so saying—a resolution of inquiry. Now, what is the subject-matter? The subject-matter is national parks. They are established by various statutes which have been enacted by Congress, not one line of which is disturbed by this paragraph. After those parks are established it becomes the duty, not of the Committee on Military Affairs, but of the Committee on Appropriations, to provide the funds for their maintenance. The Committee on Appropriations has the right to obtain information upon the subject. The Committee on Appropriations, although authorized to appropriate for every official that is named and prescribed in those several acts, is not obliged to do so if in the judgment of that committee those officials are unnecessary.

It is therefore entirely within the right of the Committee on Appropriations to acquire information upon which they can intelligently exercise that judgment and discussion which under the rules of the House is vested in them, and all that it is proposed to do by this paragraph is to acquire that information. It is quite true that if this paragraph proposed to amend the various park acts by abolishing the commissions attached to them, then it would be subject to a point of order. It would be subject to a point of order in the first place, because the committee has no jurisdiction over this subject; and in the second place, because it would be a change of existing law; but the Committee on Appropriations, having jurisdiction to give or withhold the support to the various commissions that are behind these various parks, has the right to have the information upon which that discretion can be intelligently exercised, and as this paragraph proposes nothing further than the acquisition of information for that purpose, I respectfully submit that it is in order in this bill.

Mr. STEVENS of Minnesota. Mr. Chairman, the construction of the paragraph seems to me hardly to bear out the contention of the gentleman from Massachusetts [Mr. MOODY]. I will read the paragraph submitted:

The Secretary of War is authorized and directed to prepare and submit, in the annual estimates, at the next session of Congress, a proposition providing for the consolidation of the existing commissions having charge of the several national military parks, etc.

He is directed to prepare and submit a proposition providing for the consolidation of existing commissions in his next Book of Estimates. Now, as I have read the existing law providing for the submission of estimates, it provides for the submission of certain amounts for certain specified objects. If those amounts be changed, the Secretary is directed to note what the changes shall be, and note the reasons for those changes.

Now, that is the existing law, as I understand. Now, in addition to that this paragraph provides that in addition to the changes, in addition to the appropriations, he shall submit, further, a proposition for legislation for the consolidation of existing commissions. That is not an inquiry. It is not a change of amount,

nor is it a notation for a change. He is directed to submit proposed legislation. Now, it is true that the Committee on Appropriations has full authority any time they see fit to withhold appropriations from any one of these commissions. They have authority to cut down the expenditures for any of these commissions; they have authority to practically abolish them; but they have no authority to provide that one commission shall have jurisdiction over the territory of any other of the commissions. They have no authority and can get no authority within the rules to provide that the Gettysburg commission shall have authority over Shiloh or Vicksburg or Chickamauga, but that is what this proposed legislation for consolidation would do. It seems to me clear, therefore, that the proposed legislation would be an addition to the work now prescribed for the submission of estimates to Congress by the Secretary of War and that the proposed consolidation would be additional legislation contrary to the rule.

Mr. LOUD. Mr. Chairman, I would like to be heard for just a few moments, perhaps not strictly to the point of order. I would say that if I were in the chair I should hesitate a long time before I should overrule a point of order. But here are some gentlemen on the Military Affairs Committee and on the Committee on Appropriations who admit legislation of this character is absolutely necessary. Now, if it be allowed to remain upon this bill it will become a law. If we are to depend upon the Military Affairs Committee to satisfy, if you please, a jealousy that they may have, it is a command to one that it can not become a law at this session of Congress.

Now, I ask the gentleman here representing the Military Affairs Committee to waive the point of order. Enact your legislation if you desire and if you can. It can do no harm to have it here and in your bill, too, but when you consider the danger of the defeat of legislation of this kind I hope the gentleman will look at the good of the service and withdraw the point of order and permit this legislation to remain in the bill.

Mr. PARKER. Will the gentleman allow me to answer the implied question that he has put to me?

Mr. LOUD. Why, certainly; if it was an implied question.

Mr. PARKER. You asked me to waive the point of order, or to wait.

Mr. LOUD. I did, yes; in the interest of the public service, which you yourself admit this to be.

Mr. PARKER. It is in the interest of the public service that I ought not to waive or to wait. If this bill passes, what is the Secretary of War to say to the inquiry we have already addressed to him relative to this very subject?

Mr. CANNON. It does not affect it in the slightest.

Mr. PARKER. I beg your pardon, I will answer.

Mr. CANNON. All right.

Mr. PARKER. He will say he is "authorized and directed" to give this information at the next session, and that he is not asked for an immediate answer.

Mr. LOUD. That would not prevent him from sending the information to you upon your demand at once.

Mr. PARKER. It is a direction of Congress that he shall take the time to wait and investigate the subject until the next session before he furnishes the information. Meanwhile we are inquiring, and if the gentleman knew the position of affairs in the Military Committee he would feel my responsibility. I will say to him frankly that he will find a minority report in the files of this House with reference to one of these parks, the very best proposition possibly that was before the committee, which was reported in spite of the protest of the minority, establishing a new commission. Yet we have the greatest sympathy with the marking of battlefields and with the preservation for the people of the country of the memory of these battle grounds. But we have no sympathy with expenses which are wastefully incurred. At the same time we can not stop these propositions, we can not say to the gentleman from Mississippi, or the gentleman from Virginia, or the gentlemen from other States where there are battlefields, that they must wait, and that their propositions are all wrong.

Mr. LOUD. What has that got to do with this question?

Mr. PARKER. Why, in order to justify our stand, we must provide a system which will enable the marking of these battlefields to go on in an economical and proper way, instead of going on as it goes on now; we must have a system to propose to these gentlemen, and we must have it now.

Mr. LOUD. This will not prevent you.

Mr. PARKER. It prevents our getting an answer from the Secretary of War.

Mr. LOUD. Why, no. The gentleman says the request is already before the Secretary of War.

Mr. PARKER. And the Secretary of War—

Mr. LOUD. One moment. This bill can not become legislation for at least a month or six weeks, and perhaps two months.

Mr. PARKER. Is not this a revocation of our request?

Mr. CANNON. Oh, no.

Mr. LOUD. Not at all.

Mr. PARKER. Does it not direct the Secretary to prepare and submit the information in his next annual estimate at the next session of Congress?

Mr. LOUD. That is just what he will do if you prepare legislation along the line you suggest. But if I can not touch the gentleman's heart, then I have talked in vain, and I will quit.

Mr. MOODY of Massachusetts. Mr. Chairman, just a word more in reply to the gentleman from Minnesota [Mr. STEVENS]. I agree with him entirely that it would not be in order for the Committee on Appropriations to report a bill, or a section or paragraph of a bill, withholding any authority from the existing commissions in charge of the several battlefield parks, but I say again that the proposition is simply for the acquisition of information. It is the constant practice of the various committees of the House to report specific resolutions of inquiry which are in substance the same as this paragraph. This paragraph simply provides that the Committee on Appropriations, having the responsibility for the expenditure of the public moneys in respect to this service, ask the Secretary of War what it would cost to do this in some other way. There is nothing more to it. It in no way interferes with the Committee on Military Affairs, which has complete charge of this subject-matter. The question is, simply, tell us at the next session of Congress what it would cost to do this work, which is now extravagantly done—what it would cost to do it in another way, and I submit that it is within the authority of any committee in the House to make that inquiry. Now, this is constantly done, and inquiries are constantly answered by the various heads of the departments.

Mr. PARKER. Mr. Chairman, I have nothing to say, but simply want to submit a reference to that part of the rules which refers to change of existing law. On page 344 of the Manual I find the following:

A provision for compiling the record of tests of dairy cows at the Columbian Exposition was held to be legislation and subject to the point of order, although the law gives the Secretary of Agriculture certain general authority to acquire and diffuse information.

It is precisely in point. A provision specially authorizing the acquiring of certain information was held improper, although there was general authority already to acquire that information.

The CHAIRMAN. Does the Chair understand the gentleman from New Jersey to insist upon his point of order?

Mr. PARKER. Yes, sir.

The CHAIRMAN. The pending paragraph authorizes and directs the Secretary of War to do certain things which in the opinion of the Chair he is not now authorized and directed to do by existing law. In other words, it is an effort to enact law where no law now exists, and is thus a change of existing law and obnoxious to the rules, that—

no provision changing existing law shall be in order on any general appropriation bill or in any amendment thereto.

While the Chair has a great deal of sympathy with the spirit and purpose of the paragraph, he feels constrained to sustain the point of order.

Mr. CANNON. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 98, after line 24, insert:

"No part of the foregoing sums for national military parks shall be used during the fiscal year 1903 for the payment of more than one commissioner for service in connection with each of said parks under the direction of the Secretary of War, nor shall more than 10 per centum of the sums for either of said parks be expended for salaries of clerks or other employees."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Garfield Memorial Hospital: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, \$19,000, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. CANNON. I offer the following amendment:

The Clerk read as follows:

On page 100, line 20, after the word "therefor," insert "under contract to be made with the Board of Charities of the District of Columbia."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Harbor of New York: For prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City. For pay of inspectors and deputy inspectors, office force, and expenses of office, \$10,200.

Mr. PALMER. I would like to inquire of the chairman of the committee if the Government of the United States is paying \$70,260 every year to keep the people of New York from throwing ashes into their own harbor?

Mr. CANNON. I will say, in answer to that, there is a general law that establishes this service, and this appropriation is in pursuance of that general law; and my understanding is that it has been upon the theory that an ounce of prevention is worth a

pound of cure, and that it is practically a service for dealing with deposits of offal which accumulate in the city of New York, to see that it goes out to deep water. The act was passed in 1888.

Mr. PALMER. Would it not be a better plan to enforce the penal laws on the subject, that make it an offense to throw anything into the harbor of New York, and put a few of these people in the penitentiary, and save this \$70,000 that is spent by the Government?

Mr. CANNON. Still answering, that, I suppose, would cover some, but the fact is that nevertheless the law provides for this service; and I will call the gentleman's attention to the fact that New York Harbor is quite an extended harbor; that New Jersey has jurisdiction in part and New York in part, and that there is a large aggregation of people in Brooklyn, New York, Jersey City, and there is a very large commerce. I recollect when the legislation was enacted that it was urged, and I think truly, that the harbor of New York was very seriously impaired from filling up, because the police authorities were not able to enforce the carrying out of this refuse to deep water to be unloaded. Of course, the penal laws might meet it in part, if they could be enforced, and I am inclined to think that Congress did wisely in enacting the legislation; but let that be as it may, the legislation is upon the statute books.

Mr. PALMER. So that you can not do anything but appropriate the money?

Mr. CANNON. Oh, yes; it is in our power to withhold the appropriation for this service; but it is the duty of the Committee on Appropriations to report the appropriations with or without recommendations. We report it with a favorable recommendation. It is in the power of the Committee of the Whole to decrease it or to practically nullify it all so far as this service is concerned for next year by absolutely striking out all of the appropriation.

Mr. PALMER. Do not you think it would be a good plan to put the burden on the people of the city of New York of keeping that harbor clear, and not taxing the people of the United States for this purpose?

Mr. CANNON. The State of New Jersey is near by and you would put it on both of them. I have long been of the opinion that mankind ought to perform their duties, individually and collectively; but unfortunately they do not. The truth is, here is a great harbor, necessary to the commerce in which my friend is as much interested for his constituency as I am, further west; and all of us, perhaps, as much interested as the average citizen of New York. We spend a great many millions of dollars in deepening the channels and in improving the harbors and in having them policed.

Mr. PALMER. And you let them do it; you do not enforce the penal laws, but make us poor taxpayers pay \$75,000 a year to keep those pirates from throwing ashes into their own harbor.

Mr. CANNON. I have long believed that if I had supreme power I could go over to New York and straighten things out. [Laughter.] It would be a pretty big job, I know, with Tammany right in front of me; but I think if I had supreme power I could "turn the rascals out," and if necessary hire others in their places.

A MEMBER. At cheaper wages.

Mr. ROBINSON of Indiana. Mr. Chairman, I have never, I never shall, oppose an appropriation for the establishment or beautifying national military parks to commemorate the deeds of our heroic dead.

A pressing necessity compels us now to provide for the unfortunate and insane soldiers who come from the Philippines. In our memory of the dead let us not forget the unfortunate living.

Harrowing tales have been told by tongue and by press of the unfortunates who, coming to San Francisco by boat from the Philippine Islands, have been transported thence, diseased in mind and body, over the long, tortuous, and tiresome journey across the continent to the Government hospital for the insane, across the Potomac River from Washington.

We should be most merciful to these soldiers who enlisted and fought and went insane in the service of their country. Already 280 have come to St. Elizabeth Asylum. At least 100 a year will continue to come, according to the estimate of an expert authority. No human heart, no patriotic man desires that these insane soldiers, who voluntarily, for country, faced the dangers and vicissitudes that drove them mad, should have their malady enhanced by the exposures, perils, and troubles incident to a railroad transportation from California to Washington. Troubled minds need rest. Within a week or two a large body of soldiers—unfortunate, insane soldiers—landed at San Francisco and were hurried on their week's travel to the District of Columbia. The newspapers, the chroniclers of events, tell the story of these travels as each new group of insane are hurried away from the most salubrious climate in the world 3,000 miles to the hospital here.

It is not pleasant to see one bereft of reason in the garb of a

soldier, and every reason exists why this Government should take the earliest and best means in its power to cure the ills from which they suffer, and especially when this may have come from the unhealthy conditions that prevail in the tropical climate in which they served.

The Government asylum in Washington is crowded. A personal inquiry this morning brought me the information that there are 2,200 insane patients there, many of them huddled together in cramped and temporary quarters awaiting the building and completion of the addition to the present asylum which Congress so generously provided for in its appropriation of a million dollars two years ago. I am informed that the work is progressing satisfactorily, but that, when completed, it will only accommodate comfortably 2,600 inmates.

According to the annual report of the Secretary of the Interior for the fiscal year ending June 30, 1901, it is shown that at the beginning of the year there were 2,076 inmates, and that there were admitted during the year in addition 655, making a total of 2,731 under treatment.

During the year there were 226 deaths, 235 were discharged recovered, 77 improved, 17 unimproved, leaving on the records at the close of the year 2,177, divided as follows: Army, 847; Navy, 123; Marine-Hospital Service, 31; from civil life, 1,175.

As this institution cares for the District insane and transient insane at Washington, which constitute more than one-half of the total number, and as the population of the institution is constantly increasing, it seems apparent that there is not sufficient room for the Philippine soldiers there at the present time nor will there be on its completion.

The natural increment will, by the time the improvements are completed, tax its full capacity.

Unfortunately this asylum is near the Potomac Flats. The death rate at the institution is about 10 per cent per annum.

The vital statistics of the census of 1900 show the following mortality in the respective localities per thousand of population: District of Columbia, 23.65; Baltimore, 23; Cincinnati, 21; Chicago, 19; Buffalo, 18; Allegheny, 18; Los Angeles, 20; Oakland, 18.80; Stockton, 10.12. The last three points in California are those to which invalids go to recuperate and prolong their lives, and in consequence a higher mortality is shown. In point of climate and salubrity no argument is needed for California. The per capita cost of maintenance of a patient per annum in the asylum here is \$220; in California it is about \$150. It costs \$70 in railroad fare to bring an insane soldier from California to the asylum here, not counting the cost of the guard accompanying. Fifty-three per cent recover their faculties in four months. In such a case it will be seen that the cost of railroad fare is \$70 and the cost of cure \$72. This of course leaves out of consideration the cost of the guard who brings the patient to Washington. My information is that 75 per cent or thereabouts get permanently well.

Public duty, it seems to me, calls upon us to care for and cure these soldiers in California, not at the per capita cost at Washington of \$220, but at the per capita of \$150.

Every consideration that appeals to heart and mind calls upon us to do it.

In the last Congress the junior Senator from Maine, Senator HALE, introduced a bill, which was favorably reported by the senior Senator from California, Senator PERKINS, for the Naval Committee, and which passed that body, authorizing the Secretary of the Navy to care for the insane of the Navy and the Marine Corps in the asylums of California. Why has it not been done? It is right.

Every consideration, every reason, patriotic, financial, economic, appeals to the hearts and the minds of the American people not to permit a poor, unfortunate, insane soldier to be dragged across the continent 3,000 miles, from our most salubrious climate, and that man wearing the uniform of an American soldier.

I hope the chairman of the committee, I hope the members of his committee, I hope Congress, will see that those 100 insane from the Philippine Islands each year are cared for in that beautiful and salubrious climate of California. That great State stands ready with her institutions to care for the insane and unfortunate of our Army. [Applause.]

Mr. CANNON. Mr. Chairman, as I understand, there was a law enacted at the last session of Congress—I am so informed, though I have no recollection of it—permitting the treatment of insane soldiers at any State or other institution. Is that correct?

Mr. ROBINSON of Indiana. The bill to which the gentleman refers was Senate bill 5238. It gave the Secretary of the Navy authority to contract for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast at any asylum in the State of California. That bill passed the Senate, but did not pass this House.

Mr. CANNON. I was under the impression that such legislation had been enacted.

Mr. ROBINSON of Indiana. I am sorry that the bill did not

become a law. I think there would be no objection to it if it were brought up here. I simply rose to call the attention of the gentleman and his committee to the condition that prevails, and if the gentleman will allow me to trespass a moment further on his courtesy I will say that I believe it will be ascertained on inquiry at the insane asylum here that there is no objection to that measure whatever.

Mr. CANNON. In my judgment, whether the law passed or not, it is quite in the power of the Secretary of the Navy and the Secretary of War to have the soldiers or sailors treated by contract. If that is not the law, it ought to be, and I am informed by one who is much more familiar with the legislation that has been enacted than I am that such a provision passed, probably on the Army and Navy bill. If it is not the law, the Committee on Appropriations has no jurisdiction. If it is the law, then the Army and Navy appropriation bill would carry the appropriation.

Mr. ROBINSON of Indiana. I simply wanted to emphasize the condition that prevailed where these soldiers are brought clear across our country, with all their misfortunes, adding to their ailments as it must, and that the asylum people here and the authorities say they are so crowded that they would gladly welcome that kind of legislation.

Mr. CANNON. Well, I have no objection to my friend's emphasizing what he desires to say in the premises. I quite sympathize with him, but, after all, a little bit of action, if any is needed, is worth a good deal of emphasis.

Mr. ROBINSON of Indiana. I withdraw the pro forma amendment.

The Clerk read as follows:

For pumping station, pipe, etc., \$11,000.

Mr. CANNON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 104 strike out the lines 7 and 8, and insert in lieu thereof the following: "For increase and betterment of the water supply, \$6,000."

Mr. CANNON. I offer this at the request of the board of managers.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

In all, \$584,500.

Mr. CANNON. I desire to correct the total, and I offer the following amendment:

The Clerk read as follows:

On page 104, in line 19, strike out "eighty-four" and insert "seventy-nine."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

For new boilers, \$3,500.

Mr. STEELE. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 105, after line 15, insert "for guard barrack, \$7,000."

Mr. CANNON. I will state that the Board of Managers desire the appropriation.

Mr. STEELE. It was estimated for, and the Board earnestly urged it. It was overlooked in the printing of the bill, I suppose. It is very desirable that in that climate we should have this barrack, because they have no convenience of the kind whatever, and it is very hard for as old soldiers as they are to get from their barracks at all times to a headquarters where the guard must be distributed or assigned to stations.

Mr. CANNON. The committee left it out. It is estimated for, it is true. The committee left out an additional barrack that was estimated for at Leavenworth, for the reason that your committee was satisfied with the construction of the Home in Tennessee, that all parties that are entitled to be cared for would in the future be properly cared for; but I will not antagonize the amendment as the Board of Managers are of the opinion that the service at this point requires the barrack.

Mr. STEELE. Mr. Chairman, I would state about the barrack that it is believed that the Home now building at Johnson City, Tenn., and additional barracks at Togus, Me., and one at Leavenworth, they really ought to have, we will be able to take care for the next two years, provided the increase does not largely exceed what it has been in the last two years, of all soldiers coming to us, but this is more in reply to propositions for the building of new Homes than it is in reply to the chairman of the Committee on Appropriations; but the barracks suggested are really needed.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

The Clerk read as follows:

For extension of electric-light plant, \$7,500.

Mr. CURTIS. I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

Strike out, in line 16, page 108, the word "seven" and insert in lieu thereof the word "eleven."

Mr. CURTIS. This is recommended by the Board of Managers. They say they can not erect a plant for \$7,500.

Mr. STEELE. We have attempted to make contracts within the amount, but could not do it. It is absolutely necessary.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment.

The Clerk read as follows:

Page 108, line 17, after the word "dollars," insert "for extension of boiler house, to be immediately available, \$7,500."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. CURTIS. I also offer the following amendment.

The Clerk read as follows:

Page 108, after the last amendment, insert "for additional boiler, \$6,500."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment.

The Clerk read as follows:

For one combined barrack, \$40,000.

Mr. CANNON. Mr. Chairman, I understand the Board of Managers are of opinion that this barrack ought to be constructed.

Mr. STEELE. The Leavenworth Home is in the center of a very large soldier population—taking them from New Mexico and Colorado and other points in the far West and Southwest—and I think it is in all respects desirable that we should have additional accommodations there. It is on about the same footing with Togus, Me.

Mr. CURTIS. I want to state further that the Home has been overcrowded for the last five or six years. The officers of the Home all claim that this additional barrack is needed.

Mr. STEELE. I will say to the chairman of the Committee on Appropriations that there is an additional reason why this kind of a barrack should be constructed. It is for the purpose of caring for the older men, who are unable to go to the dining room. It is practically an addition to the hospital, but at the same time it will make room in the barracks for newcomers to the Home.

Mr. CANNON. Now, Mr. Chairman, I want to just say a single word touching this appropriation, recommended, as it is, by the Board and also by the gentleman from Kansas. I shall not antagonize by my vote the appropriation for the construction of this additional barrack at Leavenworth. I want to say, however, that after much inquiry I am thoroughly satisfied that with the construction of this barrack and the completion of the Home in Tennessee, that the accommodations will be ample for all the soldier population in the future. I was of opinion, and your committee were of opinion, that this barrack should not be constructed at the Leavenworth Home. I will not go into the condition at other places, but I do say that to my knowledge there is ample room for many hundreds of soldiers in quarters already constructed and not occupied; but I defer in my judgment about it to the judgment of the Board and the gentleman from Indiana, a member of it, and withdraw any opposition to the construction of this additional barrack, expressing again the belief, that amounts to a conviction, that all who are entitled to relief under the law are and will be fully provided for in the construction of the Home in Tennessee.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Kansas [Mr. CURTIS].

The amendment was agreed to.

The Clerk read as follows:

For household, including the same objects specified under this head for the Central Branch, and for necessary expenses for the procurement, piping, and preservation of natural gas, \$25,000.

Mr. STEELE. I move to insert after the word "gas," in line 18, the words "oil, and water."

Under the present law we may procure natural gas by purchase, or drill gas wells, but we are also digging artesian wells in our country from which artesian water is sometimes obtained, and in some of the wells which are drilling for gas the gas is followed by oil, and we want this proviso in order to take care of those commodities as we find them in our own wells in desirable qualities and quantities.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Indiana [Mr. STEELE].

The amendment was agreed to.

The Clerk read as follows:

For repairs, including the same objects specified under this head for the Central Branch, and for necessary expenses for the procurement, piping, and preservation of natural gas, \$25,000: *Provided*, That no part of the appropriations for repairs for any of the Branch Homes shall be used for the construction of any new building.

Mr. STEELE. Mr. Chairman, after the word "gas," at the end of line 2, I desire to offer the same amendment that I offered a moment ago, to insert the words "oil, and water."

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 111, after the word "gas," in line 2, insert "oil, and water."

The amendment was agreed to.

The Clerk read as follows:

For farm, including the same objects specified under this head for the Central Branch, \$10,000.

Mr. STEELE. Mr. Chairman, I desire to add, after the words "Central Branch," in line 9, an amendment, which I ask the Clerk to report.

The amendment was read, as follows:

On page 111, after the words "Central Branch," in line 9, insert: "And for necessary expenses for the procurement, piping, and preservation of natural gas, oil, and water."

Mr. STEELE. I offer that for the same reason that I offered the other.

The amendment was agreed to.

The Clerk read as follows:

At the Danville Branch, Danville, Ill.: For current expenses, including the same objects specified under this head for the Central Branch, \$31,750.

Mr. STEELE. Mr. Chairman, I offer an amendment to that section.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 111, lines 14 and 15, strike out "thirty-one thousand seven hundred and fifty" and insert "thirty-three thousand three hundred and fifty."

Mr. STEELE. That is in order to increase the appropriation \$1,600 to provide for a commissary who has not been appointed at that post yet, where one is needed.

The amendment was agreed to.

The Clerk read as follows:

For hospital, including the same objects specified under this head for the Central Branch, \$33,100.

Mr. STEELE. I move to strike out the word "one," the last word in line 23, and to insert the word "eight."

The amendment was read, as follows:

Page 111, line 23, strike out the word "one" and insert "eight," so that it will read, "\$33,800."

The amendment was agreed to.

The Clerk read as follows:

For clothing for all of the Branches, namely: Expenditures for clothing, underclothing, hats, caps, boots, shoes, socks, and overalls; also all sums expended for labor, materials, machines, tools, and appliances employed, and for use in the tailor shops, knitting shops, and shoe shops, or other Home shops in which any kind of clothing is made or repaired, \$300,000.

Mr. STEELE. Mr. Chairman, I did not get to speak to the chairman of the committee, but there is a call for \$310,000 for clothing, instead of what is provided in the bill.

Mr. CANNON. We gave the estimates.

Mr. STEELE. You are \$10,000 less than their estimates.

Mr. CANNON. It may be that you did not submit their estimates. If this estimate is submitted—

Mr. STEELE. The treasurer of the Home called my attention to it a very short time ago, and said an additional amount would be necessary, because provision had not been made for the probable number of men taken into the Danville Home during the next fiscal year.

Mr. CANNON. Well, I will see. Three hundred thousand was estimated; but if the gentleman says that for clothing, etc., \$300,000 is not sufficient and that the board desires an additional \$10,000—

Mr. STEELE. Suppose you make it \$305,000?

Mr. CANNON. It is a question of what is needed.

Mr. STEELE. I am told that they would absolutely need \$310,000.

Mr. CANNON. Are you satisfied that \$310,000 would be required?

Mr. STEELE. That would be my judgment, on his estimates.

Mr. CANNON. Offer your amendment.

The CHAIRMAN. The gentleman from Indiana offers the following amendment, which the Clerk will read.

The Clerk read as follows:

On page 113, line 3, after the word "hundred," insert the words "and ten."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For president of the Board of Managers, \$4,000; secretary of the Board of Managers, \$2,000; general treasurer, who shall not be a member of the Board of Managers, \$4,000; inspector-general, \$2,500; assistant general treasurer and assistant inspector-general, \$2,000; two assistant inspectors-general, at \$2,000 each; clerical services for the offices of the president and general treasurer, \$10,000; messenger service for president's office, \$144; clerical services for managers, \$3,400; agents, \$1,800; for traveling expenses of the Board of Managers, their officers and employees, \$15,000; for outdoor relief, \$1,000; for rent, medical examinations, stationery, telegrams, and other incidental expenses, \$6,000; in all, \$55,844.

Mr. STEELE. Mr. Chairman, I want to call the attention of the committee to a few changes that have been requested and recommended by the Board of Managers. I talked with the subcommittee about it, but for some reason or other the matter was overlooked. I am in hopes it was an oversight on the part of the Board. It is desired to increase the salaries of the inspector-general and the assistant treasurer by \$500. They asked for \$1,000. This would be just the same as the other officers are paid. They do not only inspect the National Homes and keep the accounts of the National Homes, but they inspect and keep account of the various State Homes, some 26 in number, and this involves a great deal of work. Living as they must at headquarters, it is very expensive. So that I do not believe that they have enough pay. I think they ought to have more, and I have asked for this amendment, and I hope there will be no objection to increasing the pay of these gentlemen to the extent suggested.

Mr. VANDIVER. How many are there?

Mr. STEELE. There is the inspector-general. His pay is \$2,500, and it is proposed to make it \$3,000. There are the assistant general treasurer and two assistant inspectors-general. Their salaries are each \$2,000, and it is proposed to make them \$2,500. I move that amendment.

Mr. BARTLETT. I would like to ask the gentleman if these salaries are now fixed by law?

Mr. STEELE. The salaries are fixed, or may be fixed, by the board of managers. The appropriations are made by Congress.

Mr. BARTLETT. I ask if the law does not prescribe the amount of the salary.

Mr. CANNON. It only dwells in appropriation bills, as I understand.

Mr. STEELE. That is all.

Mr. BARTLETT. You say the law does not fix the salary of these officers?

Mr. STEELE. Congress only makes the appropriation.

Mr. CANNON. Only as they are appropriated for. The gentleman from Indiana, I understand, now proposes to increase the salary of the inspector-general from \$2,500 to \$3,000.

Mr. STEELE. Yes, sir.

Mr. CANNON. And the assistant general's treasurer and assistant inspector-general from \$2,000 to \$2,500?

Mr. STEELE. Yes, sir.

Mr. CANNON. Two assistant inspectors-general from \$2,000 to \$2,500?

Mr. STEELE. Yes, sir.

Mr. CANNON. Do you offer this amendment?

Mr. STEELE. Yes, sir; I will offer this amendment. This was presented to the committee by the board.

Mr. CANNON. The matter was presented to the Committee on Appropriations and heard, and your committee did not follow your recommendation to increase the salaries, although I will confess that the recommendations made by the Board of Managers touching the administration of this fund have very great influence with me. We have not followed the policy in this bill of increasing salaries. In fact, it is not a salary bill. We did not report the recommendation; and still I want to be entirely fair with the Committee of the Whole, and if the gentleman for the board insists on this increase with the statement of fact I have said all I desire to say about it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 113, line 11, strike out "two" and insert the word "three;" and, after the word "thousand," strike out the words "five hundred," so that it will read "\$3,000." In line 12, after the word "thousand," insert the words "five hundred;" and, in line 13, after the word "thousand," insert "five hundred."

Mr. STEELE. And, in line 15, after the word "thousand," insert "five hundred."

The Clerk read as follows:

And, in line 15, after the word "thousand," insert the words "five hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Hereafter the officers of the National Home for Disabled Volunteer Soldiers, and of the Board of Managers thereof, shall be appointed, so far as may be practicable, from persons whose military or naval service would

render them eligible, if disabled and not otherwise provided for, for admission to the Home, and they may be appointed, removed, and transferred from time to time, as the interests of the institution may require, by the Board of Managers.

Mr. PARKER. Mr. Chairman, I desire to reserve a point of order on this paragraph so that the matter may be explained. I do not quite understand it.

Mr. STEELE. We now admit to the National Home soldiers of the Mexican war, volunteer soldiers of the civil war, soldiers of the Regular Army who were disabled during the war or who became disabled after the war, and lately, by the action of Congress, we admit soldiers of the Spanish war. Now the object of this legislation is to enable the board, if it so desires, to make officers out of soldiers of the Spanish war as we now do out of soldiers of the other wars. On account of the age of some of the present incumbents, the necessity for this legislation must become more apparent every day.

Mr. PARKER. May I ask whether this matter was brought up by the board at the meeting of the Appropriations Committee. I can not find any proceedings on the subject in the report of the hearing.

Mr. STEELE. It certainly was.

Mr. CANNON. I do not recollect whether the hearings were reported or not, but this subject was certainly considered. We had an extended hearing on the subject.

Mr. PARKER. Then, as I understand, the object of this provision is to enable the board of managers to appoint as officers veterans of the Spanish war.

Mr. STEELE. If so desired.

Mr. PARKER. To enable the board of managers to appoint, if so desired, veterans of the Spanish war as officers, instead of being confined, as now, to veterans of the civil war?

Mr. STEELE. Yes, sir.

Mr. PARKER. May I ask also whether the provision for transfer from one Home to another is not entirely new?

Mr. STEELE. No; it is not new.

Mr. PARKER. I have not found that word in the old statute.

Mr. STEELE. For instance, we may now send soldiers to the asylum here—

Mr. PARKER. I am speaking of officers. The language of the bill is that—

Hereafter officers may be appointed, removed, and transferred, from time to time.

Mr. STEELE. That is to provide for a case of this kind: Suppose we have an officer who is well qualified and is doing duty in a certain Home and we establish a new Home, we may wish to transfer him to that new Home.

Mr. PARKER. But this word "transfer" is new in the statute?

Mr. STEELE. Yes, sir.

Mr. PARKER. I am only endeavoring to bring out an explanation for the benefit of the House. Although this matter may not have been brought up before the Committee on Military Affairs as it should strictly have been as a general provision with reference to Soldiers' Homes, I have no desire to obstruct by a point of order any legislation that may be desired by the Board of Managers of the Soldiers' Homes. Therefore, in view of the explanation which has been made, I withdraw the point of order.

The clerk read as follows:

Defense of suits before Spanish Treaty Claims Commission: For salaries and expenses in defense of claims before the Spanish Treaty Claims Commission, including salaries of Assistant Attorney-General in charge as fixed by law, and of assistant attorneys and necessary employees in Washington or elsewhere, to be selected and their compensation fixed by the Attorney-General, to be expended under his direction, so much of the provisions of the act of March 2, 1901, providing for the Spanish Treaty Claims Commission as are in conflict herewith notwithstanding, \$80,000.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 3, on page 117, strike out "60" and insert "112," so as to read \$112,000.

Mr. CANNON. Mr. Chairman, the necessity for this amendment is fully set out in a letter from the Attorney-General, which I will ask to have inserted in my remarks, not taking time to have it read, unless some member desires that it should be.

The letter referred to by Mr. CANNON is as follows:

DEPARTMENT OF JUSTICE, Washington, D. C., March, 29, 1902.

The CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,
House of Representatives.

SIR: I send you a copy of a letter I wrote to-day to the Secretary of the Treasury, submitting an estimate for an increase in the amount originally estimated as necessary for the defense of suits before the Spanish Treaty Claims Commission for the fiscal year 1903 from \$80,000 to \$112,000, and have the honor to request that the sundry civil bill, in which this appropriation of \$80,000 is included as reported to the House, be amended so as to appropriate \$112,000. I will be glad to give you additional information as to the reasons for this increase in the appropriation if you think it necessary.

Respectfully,

P. C. KNOX, Attorney-General.

DEPARTMENT OF JUSTICE, Washington, D. C., March 29, 1902.

The SECRETARY OF THE TREASURY.

SIR: I have the honor to request that a proper estimate be submitted to Congress for an increase in the amount to be provided for the defense of suits before the Spanish Treaty Claims Commission for the fiscal year 1903 from \$30,000, as requested by my letter to you of December 9, 1901, and as now provided in the sundry civil bill as reported to the House of Representatives, to \$112,000.

When the original estimate of December 9, 1901, was made the matter of the defense of suits had not progressed far enough, nor had work enough been done, nor the character of that work sufficiently developed to give the Department proper data upon which to base a correct estimate, that of \$80,000 being tentative.

To enable the Department to do the work anticipated during the coming year will probably require several additional assistant attorneys in Cuba and possibly one in Spain. The amount needed for obtaining testimony, paying witnesses, traveling expenses, and commissioners' fees in the United States, Spain, and Cuba can not be estimated with accuracy, but it is evident that the taking of testimony in Spain and in Cuba, with 400 cases on the docket for trial, will be large. I think it preferable to have a proper appropriation made at the outset rather than to have to call for a deficiency early in the session.

Respectfully,

Attorney-General.

The amendment was agreed to.

Mr. CANNON. I ask that the Clerk may correct the totals in accordance with the amendments that have been made.

There was no objection.

Mr. PEARRE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 4, page 117, after the word "dollars," add the following new paragraph:

"To enable the Secretary of War to reimburse George W. Dant for such expenses incurred by him in legal proceedings growing out of the Ford's Theater disaster on the 9th day of June, 1893, as the Secretary of War may decide to have been necessary, proper, and reasonable, \$3,000, or so much thereof as may be necessary."

Mr. CANNON. I will reserve a point of order on that proposition.

Mr. PEARRE. Mr. Chairman, I am not distinctly clear whether this is the proper place in the bill at which this amendment should be offered, except on the general theory that the Government of the United States is presumed to be continually pursuing the general public work or object of doing justice to its citizens. If, however, this appears not to be the appropriate place, I will, after the bill has been read, ask unanimous consent to turn back to the items under the head of the War Department, in order that—

Mr. CANNON. I make no point of order as to the place at which it is proposed to insert the proposition. If the Committee of the Whole should adopt the amendment, it can be inserted in the appropriate place. The point I make has reference to the merits.

Mr. PEARRE. Now, Mr. Chairman, as is well known, this whole community was shocked on the 9th of June, 1893, by a singularly fatal accident in connection with the collapse of Ford's old theater in this city, located on Tenth street between E and F streets NW. It had become necessary, it appears, in order to improve the electric lighting apparatus of that building, which was at that time used by the Government of the United States for the office of the Record and Pension Division of the War Department, to make certain excavations under or near the outer cellar wall, in order that the new electric lighting apparatus might be accommodated.

The Government asked for proposals for bids, bids were offered, and the successful bidder was George W. Dant, of the District of Columbia. The work to be done was a work of excavation, and he then became the general contractor to do the work. He, however, let out by subcontracts a great deal of this work and different portions of this work to other parties, each one of these contractors, under the proposals for the bids, being not under the control of Mr. Dant, the original contractor, but under the absolute control of officers who had charge of the building, namely, General Ainsworth, M. R. Thorp, chief of the supply division, and Mr. Sasse.

General Ainsworth had general charge of the building and of the work as Chief of the Record and Pension Division of the War Department. Mr. Thorp had charge of the building and was in the building itself, being a subordinate officer to General Ainsworth. Mr. Sasse was another subordinate officer to General Ainsworth, and was connected with the personal supervision of the excavations made by the subcontractors under their subcontracts with Mr. Dant, the general contractor. A clause in the proposals reads as follows:

All earth excavated must be removed at once and no accumulation of dirt allowed in or about the building. All excavation must be done at such times and in such manner as the officer in charge of the building may direct, in order that the work of underpinning and building walls may be safely and properly done.

It will appear from that section of the proposal for bids (which of course became a part of the contract and was written into the contract between the Government and George W. Dant, general

contractor) that the supervision and control of the whole work was placed in the hands of the officer having charge of the building and took it out of the hands of Mr. Dant, the general contractor, for the reason, as given in this section of the proposal, that the work might be "safely and properly done." Now, sir, in this excavation, which was made by a gentleman named Pullman, who was the subcontractor to do the excavating, the walls, it seems, were improperly taken out and the building collapsed and fell. There were 500 Government clerks in the building at the time and the loss of life and injury to limb was very great. The disaster was appalling. That the blame rested upon the Government was absolutely palpable and provable beyond question, and Congress very shortly began to make provision for the injured and the dead.

By the sundry civil bill of March 2, 1895, a commission was appointed to investigate the injuries and deaths caused by the collapse of this building, the Government thereby recognizing its liability, which of course was beyond contradiction. On the 11th day of May, 1896, a Senate committee, with Senator Faulkner as chairman of that committee, reported and recommended the payment of sums of money ranging from small amounts of \$500, in case of injury, up to \$5,000, in cases of death, the total recommendation of appropriations being over \$75,000. Indictments were prepared, in response to what appeared to be a general public demand, against General Ainsworth, Mr. Thorp, Mr. Sasse, and Mr. Dant. Those indictments were demurred to by the attorneys for General Ainsworth and Mr. Dant, and the demurrers were overruled by the supreme bench of the District of Columbia.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PEARRE. I would like to ask the gentleman [Mr. CANNON] to give me time to complete this short statement. I will confine myself to the facts.

Mr. CANNON. I have no objection. It is quite within the discretion of the Chair. It is on a point of order. How much time does the gentleman want?

Mr. PEARRE. Five or six minutes.

The CHAIRMAN. The gentleman asks unanimous consent that his time may be extended for five minutes. Is there objection?

There was no objection.

Mr. PEARRE. Those demurrers, as I said, were overruled by the supreme bench of the District of Columbia. They were then taken upon appeal to the court of appeals of the District of Columbia, where the ruling of the supreme bench was sustained. New indictments were prepared, from which, however, the names of Mr. Thorp and Mr. Sasse were omitted, charging Colonel Ainsworth and Mr. Dant with manslaughter. These indictments were again demurred to and the demurrer sustained by the supreme bench of the District of Columbia, under the ruling of the court of appeals in the previous case, and an appeal was again taken by the district attorney to the court of appeals, and the court of appeals sustained their original ruling and held the demurrers good, thus determining, under correct legal process, that there was no criminal liability upon either Colonel Ainsworth, Mr. Sasse, Mr. Thorp, or Mr. Dant, the beneficiary of this proposed appropriation. The sundry civil bill, which was approved by the President of the United States on March 2, 1895, contains an appropriation for General Ainsworth, as follows:

To enable the Secretary of War to reimburse Col. F. C. Ainsworth, Chief of the Record and Pension Division of the War Department, for such expense incurred by him in legal proceedings growing out of the Ford Theater disaster on the 9th of June, 1893, as the Secretary of War may decide to have been necessary, proper, and reasonable, \$4,000, or so much thereof as may be necessary.

This clause is contained in the sundry civil bill appropriating \$4,000 to reimburse Colonel Ainsworth for all expenses to which he had been subjected on account of these prosecutions, which had been improvidently and incorrectly instituted against Colonel Ainsworth, as the courts decided. Mr. Dant stood upon exactly the same ground, or upon a better ground, than Colonel Ainsworth, because under the very proposal for bids the work of the subcontractor, Pullman, was placed under the supervision, not of Mr. Dant, the general contractor, but under the supervision of Colonel Ainsworth himself, in order that the Government might provide against the very calamity that subsequently happened.

General Ainsworth having been provided for by the appropriation of \$4,000, and each one of the victims of this awful disaster or their families having been reimbursed, certainly in part, this amendment proposes nothing but a simple proposition of elementary justice—that the same measure of compensation and reimbursement as has been measured out to others injured either directly or indirectly by the collapse of this building—for which the Government was responsible—should be measured out also to George W. Dant; and I respectfully submit, sir, that the Congress of the United States can not well afford to place itself in the position of making flesh of one and fish of the other and authoriz-

ing an appropriation of \$4,000 to an official of the United States Army connected with one of the departments of the Government who had absolute control and charge of this work under the very contracts under which it was done and yet fail to reimburse George W. Dant, equally injured, much less responsible, and much less liable in every sense than Colonel Ainsworth.

I submit that the Government of the United States, through its Congress, can not well afford to place itself in the position of sustaining such an injustice, and I confidently submit the matter to the House, believing that this appropriation ought to be and will be made.

Mr. CANNON. I think it is necessary for me only to say that by the gentleman's statement this claim has no legal status and is therefore subject to the point of order. I might go further and say I am inclined to think it has no moral status, but that is a matter that might come up if it should ever be reported from the Committee on Claims for the consideration of the House.

The CHAIRMAN. The Chair will rule on the point of order. At the second session of the Fifty-sixth Congress it was held that it is not in order to appropriate on an appropriation bill for an unadjudicated claim, even though it be transmitted to the House by an Executive message.

There are several rulings which hold that propositions to pay private claims against the Government are not in order on general appropriation bills. There seems to be a long line of decisions covering the point, and the Chair sustains the point of order.

The Clerk read as follows:

Prosecution of crimes: For the detection and prosecution of crimes against the United States, preliminary to indictment; the investigation of official acts, records, and accounts of marshals, attorneys, clerks of the United States courts, and United States commissioners, for which purpose all the records and dockets of said officers, without exception, shall be examined by the agents of the Attorney-General at any time; the inspection of United States prisoners and prisons; to be expended under the direction of the Attorney-General, and to include salaries of all necessary agents in Washington, D. C., \$45,000.

Mr. ROBINSON of Indiana. Mr. Chairman, a short time ago I called to the attention of the committee the bringing across the country of the insane soldiers from the Philippine Islands. The chairman of the Committee on Appropriations has since called my attention to the fact that an appropriation had been made and warrant given in appropriation bills in the last Congress authorizing the Secretaries of War and the Navy to provide for the care of these insane soldiers on the Pacific coast.

Those who have read the sorrowful tales that were told of these travels of the insane, 100 a year from the Philippine Islands, would scarcely have thought that a law of that kind was already upon the statute books. I did not know it until reminded of it after the former debate. I believe it was placed on the appropriation bills in the Senate, only evidencing again that we sometimes look to the Senate for the wisest legislation.

I gave the gentleman from Illinois [Mr. CANNON] credit, as I always do, for his generosity of heart, and I knew the Committee on Appropriations would do its duty. I had no information that this had been done a year ago. But what I said with reference to the soldiers a few moments ago should appeal with equal force to the Secretary of the Navy and the Secretary of War, who now have the authority to do this and who may save the expense of \$70 for each insane soldier who comes here, that being the amount which the railroads get for transporting him to Washington, and do a grace to not only the soldiers, but to the American people.

I see that the next Secretary of the Navy [Mr. MOODY of Massachusetts] is in the room, participating in this debate, managing in part this bill, one who is esteemed by both sides of the House as but few men have been esteemed, and I know that it will enter his heart to carry out the provisions of the law that I shall have read from the Clerk's desk if it be within his power, if it be compatible with the public interests. I hope that my statement here, calling this matter to his attention, will result in these soldiers being cared for 3,000 miles closer to the scene of their misfortune, and where they will have that treatment, that climate, and that care that they so richly deserve of a generous Government, because of the misfortune that has come to them while fighting under the American flag.

I ask the Clerk to read from the law upon the subject, first from the United States Statutes at Large, volume 31, page 1163, the sundry civil appropriation bill of 1901, approved March 3, 1901.

The Clerk read as follows:

The Secretary of War may, in his discretion, contract for the care, maintenance, and treatment of the insane of the Army, and inmates of the National Home for Disabled Volunteer Soldiers on the Pacific coast at any State asylum in California, in all cases which he is now authorized by law to cause to be sent to the Government Hospital for the Insane in the District of Columbia.

Mr. ROBINSON of Indiana. And from the Navy appropriation bill, the same volume 31, page 1123, the Navy appropriation bill approved March 3, 1901.

The Clerk read as follows:

For the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, and all other necessary contingent expenses, \$35,000.

Mr. CANNON. Mr. Chairman, a single word. How many, under the provisions referred to, insane sailors and soldiers have been cared for at the Soldiers' Home at Santa Monica and the State asylum of California I do not know; nor do I know whether other State insane asylums have the capacity to treat the insane referred to; nor do I know whether it would in all cases be humane to have them treated upon the Pacific coast. Take a soldier of the gentleman's own district, to illustrate, returned from the Philippine Islands insane, treated on the Pacific coast, and, if he recovers, discharged.

I am not sure but what the soldier's relatives would much prefer that he be removed to St. Elizabeth's and treated there. I only refer to this. I think it was wise to grant discretion; but I am not at all prepared to say that that discretion has not been exercised with wisdom. I do not know what the facts are, but I could conceive of many cases where humanity would dictate that they should be brought to St. Elizabeth's rather than treated on the Pacific coast.

Mr. ROBINSON of Indiana. If I may interrupt the gentleman, I cordially agree with what the gentleman has stated all along on that subject at this time. I had inquired into this important subject at St. Elizabeth's Insane Asylum in the city of Washington, and I was not aware, and the authorities did not seem to know, that any arrangements had been made or law passed with reference to the Army insane, but on the contrary it was stated that they would have been entirely satisfied with arrangements in line with the suggestion that I made.

In addition to that, since speaking on the floor this morning I have seen the senior Senator from California, who had requested that this law be put in operation, and that the same had been promised, so that I rather think that it was an oversight on the part of the departments, for surely their patriotic hearts would do the best, and if in their opinion it is better to have it provided that the soldiers be cared for in California they will do it cheerfully and promptly.

Mr. CANNON. Read.

The Clerk read as follows:

Insular and territorial affairs: For defraying the necessary expenses incurred in the conduct of insular and other territorial matters and affairs within the jurisdiction of the Department of Justice, including the payment of necessary employees at the seat of government or elsewhere, to be selected and their compensation fixed by the Attorney-General, and to be expended under his direction, \$25,000.

Mr. COCHRAN. Mr. Chairman, I move to strike out the last word.

Here is another reminder of the fact that this country has gone into the colonial business. Twenty-five thousand dollars to be expended in the colonies, nobody knows what for, so nothing is said about it. Our possessions abroad bob up in this fashion whenever we have under consideration a general appropriation bill. First came the urgent deficiency bill with an appropriation of \$500,000. As one by one the general appropriation bills appear each carries an appropriation of money to be expended in this new venture, and so the total is amounting to many millions. A peculiarity of all these appropriations is that they are vague and indefinite as to what the money is to be expended for. The Committee on Appropriations has no difficulty whatever in prescribing, item by item, the sums to be expended in the various departments of the Government at home. Not so in the colonies.

As showing the impossibility of systematic, decent, orderly administration in our colonial possessions, these appropriations speak volumes. What is to be done with the money nobody knows, so in comes an omnibus provision vesting in somebody power somehow to spend so much money for indefinite purposes. This is only one of the peculiarities of these appropriations. Another is that nobody has told us definitely what the taxpayers may expect in return. I have never heard an answer to the question propounded on this floor repeatedly, How is the country to be compensated for this great outlay? How are we to receive a return upon the investment? Who is being benefited by the outlay of so much cash? We are not benefiting the Filipinos. We are killing them by hundreds. We are not benefiting the commerce of the United States.

Every country that trades with the Philippine Islands has made gains greater than the United States since the war began there. Early in the discussion, nearly two years ago, the distinguished gentleman from Ohio [Mr. GROSVENOR], in an outburst of adulation and praise of his party for the great conquests in the Orient, declared that it was our purpose to hold to these outlying possessions, and that incidentally we were going to make what money could be made out of them—a shock to the intelligence of the country, doubtless, for I believe that no considerable

number of our people are willing to go to war for plunder and profit.

But waiving all this, the profits have not been forthcoming and are not in sight. We have been told that the islands are enormously rich. That is true, doubtless. But what does rich mean? The riches of a country consist of its resources, its productiveness; and the Philippines are very productive, but what good does that do us? We refuse to avail ourselves of their productiveness. The Republicans on the Committee on Ways and Means have been wrangling for two months in an effort to shut out of our markets Cuban sugar and tobacco. It is because the Philippines produce these commodities that they are called rich. What of it? You will not allow them to exchange these commodities for American goods. Thus, when the products of our insular possessions are offered to us, we shut the door in the face of our vassal races. If we would trade with them, possibly our vassals might be of some advantage to the country. But we will not allow them access to our markets.

When the little island of Porto Rico came under our dominion, which I was heartily in favor of, it was said that it was the most prolific island in the West Indies; but instantly the Republican party declared that we could not afford to permit the little island to send its products here. So they say concerning Cuba. As to the Philippine Islands, we are told that enough sugar could be grown over there to glut the markets of the world. If that is true, then the Philippine Islands are rich. All we have to do is to open our markets to them, and our people would receive this sugar and give them commodities in exchange for it. But we put up a Chinese wall and avoid this exchange. Tell me, then, how are we to avail ourselves of the riches of which you have boasted?

Is it not a little remarkable that we should possess ourselves of islands of great natural wealth and resources and then put prohibitive tariffs on their productions? What is commerce but reciprocal trade? If we say to the Filipinos, "Thus far and no farther shall you develop your trade with us," we say to the American producer, "Thus far and no farther may you go in developing your trade with the Filipinos."

I can not conceive of anything more ridiculous and absurd than such a position. Send armies abroad to conquer countries because they are productive, violate the Constitution of our country in the manner of their government, trample its provisions under foot, all in the name of expanding commerce, and then, when commerce would expand, manacle the limbs of our traders, build up a wall about the subject peoples we have conquered by violence, and declare that no trade expansion shall take place. Having done this, the Republican majority brings in appropriation bill after appropriation bill, vague and indefinite in their terms, and, in the aggregate, amounting to many millions, and ask the American taxpayers to go down into their pockets and foot the bills—all for the purpose of building up a great trade in the Philippines! [Applause.]

The Clerk read as follows:

For payment of regular assistants to United States district attorneys who are appointed by the Attorney-General, at a fixed compensation, \$185,000.

Mr. MANN. I move to strike out the last word. I wish to make an inquiry of my colleague [Mr. CANNON] about these items in reference to the pay of assistant district attorneys. I see here is an item of \$435,000 for "district attorneys and their regular assistants." Then there is another item "for payment of regular assistants to United States district attorneys" \$185,000. What is the difference between the salaries of the regular assistants?

Mr. CANNON. The gentleman has not read the language of the bill closely. The first clause is:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, \$435,000.

That is, the expenses of those two classes of officers—district attorneys and their assistants. The other paragraph is:

For payment of regular assistants to United States district attorneys, who are appointed by the Attorney-General, at a fixed annual compensation, \$185,000.

The gentleman notices the difference in the language?

Mr. MANN. I notice that the language is susceptible of two constructions. That is the reason I asked the question.

Mr. CANNON. I hardly think that the language admits of two constructions.

Mr. MANN. What I wished to inquire was what the two items were for—whether the first item included salaries of district attorneys.

Mr. CANNON. No, the language is: "Expenses of United States district attorneys and their regular assistants." Now the next item is "for payment of regular assistants to United States district attorneys who are appointed by the Attorney-General at a fixed annual compensation."

Mr. MANN. Are they all appointed by the Attorney-General?

Mr. CANNON. I think all the assistants are so appointed, but the district attorneys are appointed by the President and confirmed by the Senate.

Mr. MANN. Of course. While I am on the floor may I ask the gentleman in reference to the item beginning on line 16—"for fees of clerks, \$340,000?" Is the gentleman able to inform us exactly in reference to the compensation of these clerks?

Mr. CANNON. Under an amendment made to the law two or three years ago the fees go into the Treasury and appropriations are made for the payment of the salaries, which, according to my recollections, do not exceed \$2,500. It is my recollection—I may be mistaken; perhaps I am not as familiar with this matter as I ought to be—that the law was revised under the lead of the chairman of the Judiciary Committee, the gentleman from New York [Mr. RAY].

Mr. LACEY. Mr. Updegraff.

Mr. CANNON. Yes, it was Mr. Updegraff, then a member from Iowa.

The Clerk read as follows:

The Public Printer is authorized hereafter to procure and supply, on the requisition of the head of any Executive Department or other Government establishment, complete manifold blanks, books, and forms, required in duplicating processes; also complete patented devices with which to file money-order statements, or other uniform official papers, and to charge such supplies to the allotment for printing and binding of the Department or Government establishment requiring the same.

Mr. PALMER. Mr. Chairman, I move to strike out the last word. I would like to inquire of the chairman of the Committee on Appropriations what has happened since 1895 to raise this appropriation for public printing and binding \$2,504,000 to \$5,297,000, nearly doubling it in five years?

Mr. CANNON. The expenditure for public printing and binding depends purely upon legislation by Congress and the amount of work that is ordered by Congress and the growth of the public service as registered in the Executive Departments. Take the Post-Office Department, for instance. The growth is wonderful. So it is all along the line of the public service. When you come to Congress proper, the growth of printing for the use of the House and all its members individually and collectively and of the Senate has been very extraordinary, and this registers, I will say again, the growth of the country, and, I was going to say, the extravagance of Congress, but I will not say that.

Mr. PALMER. That is what I want you to say.

Mr. CANNON. Then there is something of growth in the increase of wages of Government employees—20 per cent increase, as I recollect, in the Government Printing Office alone, in wages. There has been something of an advance probably in five years in material. Consideration is given, I have no doubt, for all these expenditures, and the only way to cut it down is by the economy of the House and the Senate.

Mr. PALMER. I would like to ask the gentleman if he does not think it is pretty near time to call a halt?

Mr. CANNON. Well, I have been trying to call a halt, as one member of this committee, in these expenditures for many, many years, but the committee will not halt. I would welcome any effort on the part of my friends. [Laughter.]

Mr. PALMER. I am simply inquiring for the purpose of seeking information. I want to inquire if the gentleman does not think that about three-fourths of all the stuff that is printed is practically unnecessary and useless?

Mr. CANNON. Well, I should hardly say that. I believe there is much of printing of documents that is unnecessary. You have got to print all that are ordered, of course. I think many documents are printed under the law where a less number might well be printed, much of printing that from my standpoint is useless, and if I had my way about it there would not be much of printing I think in connection with the House except that what my friend says and what I say. [Laughter.] But there are about 360 others.

Mr. PALMER. You do not think you and I monopolize all the sense there is here, do you?

Mr. CANNON. Well, I don't know that it would be modest for me to answer that question.

Mr. PALMER. Well, whenever you want to call a halt, you have one recruit, I will say that.

Mr. SCOTT. Mr. Chairman, if I might offer a suggestion, I have been advised by men who are familiar with the workings of the Printing Office that a very large part of the unnecessary expense of that department grows out of inefficient editorial work in the departments, due partly to lack of training on the part of those who prepare the copy, and partly to dilatoriness on their part. Proofs will be sent out and will not be returned for weeks, and there are at times tons of type tied up on the imposing stones of the Printing Office waiting the return of proofs, and if there could be any reform brought about in the matter of the editorial force of the various departments it would save one of the largest leaks in the Printing Office.

Mr. CANNON. Well, there is something of well-founded complaint along that line. There has been a constant contest and always will be, no doubt. I recollect that some years ago that one of the bureaus of the War Department made quite a report on the subject of botany, and we tried to cut that out by the roots, and, I think, succeeded, but every once in a while it crops out. Then, once in a while, we have some zealous Representative or Senator—and I will not speak of a Senator as such—that is wonderfully industrious, and sometimes fills more pages of the RECORD than my friend or I would think wise; but after all it may be wise to remember that the growth of this appropriation in large part shows the growth of the country and the growth of the public service. Let me give the gentleman one instance upon these monographs of the Agricultural Department. I recollect in the name of our good farmer friends—and I am a farmer myself—we doubled, if not trebled, that appropriation, and there you are. We have to act here. The House and the Senate have control of the whole shooting match, so that we can not shift the responsibility onto the shoulders of somebody else touching this expenditure.

Mr. PALMER. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk resumed and concluded the reading of the bill.

The CHAIRMAN. Without objection the Clerk will be given permission to correct the totals of the bill.

There was no objection.

Mr. CANNON. I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon any amendment? If not the Chair will submit them to the House in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

REVENUE-CUTTER SERVICE.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate bill 1025, to promote the efficiency of the Revenue-Cutter Service.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service, with Mr. OLMSTED in the chair.

Mr. SHERMAN. I will yield to the gentleman from Georgia [Mr. ADAMSON] for five minutes. Will that be as much time as the gentleman cares for?

Mr. ADAMSON. Yes.

The CHAIRMAN. The gentleman from New York [Mr. SHERMAN] yields to the gentleman from Georgia five minutes.

Mr. ADAMSON. Mr. Chairman, I regret that, owing to a deep-seated and very severe cold, I shall be unable to speak with comfort or satisfaction for any considerable length of time. After making one or two observations I shall yield back the remainder of the time which has been so courteously allotted to me.

I have heard very few objections to this bill. It is well known to everyone that before the Navy was created the Revenue-Cutter Service did our fighting in time of war, and that is the only time when the Army and Navy fight now, or ever fought.

In answer to our proposition that the officers of this service should be placed on an equal footing with the officers of the Navy we hear two objections. One is that it is not a fighting body, but a civil establishment, and the other is that the enactment of this legislation would be an entering wedge for a civil pension list. I believe that states the whole case of the opposition.

Now, in the first place, the Revenue-Cutter Service fights, and fights valiantly and gloriously when there is occasion, and has done so in every war. The fact that in times of peace it works in patrolling the coast and attending to the enforcement of our revenue laws is that much to its credit. The officers of the Revenue-Cutter Service do not frolic on land in time of peace, and in time of war they fight as much as anybody else, and more.

Now as to the other point, Is this an entering wedge to a civil pension list? I say no; the line of distinction is clear and marked. Those who bare their breasts to the storm of battle and wage their country's wars are entitled to pensions, and I stop here and now at that.

I yield back the balance of my time, and hope that the gentleman from North Carolina [Mr. BELLAMY] will be afforded as much time as possible. [Applause.]

Mr. SHERMAN. I yield thirty minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Let me say, Mr. Chairman, that I am sincerely in favor of this bill to promote the efficiency of the Revenue-Cutter Service, because, in my judgment, it is a just, a patriotic, and a meritorious measure. No fair-minded man who will take the trouble to carefully examine the history of the Revenue-Cutter Service of this Government will seriously oppose this bill on its merits. There is no brighter, no grander, no more self-sacrificing page in American history than that written by the heroic achievements and the commendable acts of the men in the Revenue-Cutter Service. They are entitled to all they ask for in this bill, which is nothing more or less than simple justice, and Congress will be false to every sentiment of gratitude if it denies their just demands.

The Revenue-Cutter Service was created by law at the very inception of the Government. It was established before the Department of the Navy, and for that reason it was made a part of the Treasury Department. But it is and always has been more military than civil. Investigation proves beyond question that in its organization, general features, military character, naval discipline, and duties the Revenue-Cutter Service is now and always has been constantly regarded as a part of the military service of the Government for both offensive and defensive operations; that it has taken an active and brilliant part in every war of this nation.

To go no further back than the war of 1898 with Spain, this Service was in that war from Manila to Cuba. To illustrate the conditions under which the Revenue-Cutter Service fought in that war, take the action off Cardenas, fought on May 11, 1898. The active forces engaged on that date on the American side against the shore batteries and gunboats at Cardenas were the gunboat *Wilmington*, the torpedo boat *Winslow*, and the revenue cutter *Hudson*, the latter serving by Executive order in cooperation with the Navy. What happened is best told in the following letter:

NAVY DEPARTMENT, Washington, D. C., June 15, 1898.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant and to forward herewith a copy of the report requested. I regret that inadvertently a copy of this letter was not forwarded to you immediately after it was received.

The rescue of the *Winslow* by the *Hudson* was so gallantly done, in the face of a most galling fire, that First Lieut. Frank H. Newcomb, Revenue-Cutter Service, commanding, his officers and men, deserve the warmest commendation.

The *Winslow* was riddled with shell, disabled, helplessly drifting onto the beach into the hands of the enemy, her captain wounded, her only other officer and half her crew killed, but the *Hudson* courageously remained by her in the very center of the hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until finally a line was made fast to the *Winslow* and that vessel towed out of range of the enemy's guns.

Very respectfully,

JOHN D. LONG,
Secretary.

THE SECRETARY OF THE TREASURY.

The object of this illustration is to prove, if any such proof be necessary, that one service is subject to the same conditions and exposure in war as the other, while the provisions of law thrown around the one are studiously denied the other, and it is the object and purpose of this bill to correct these conditions. Who will say that the commander of the *Hudson* was not worthy of the emoluments received by the commander of the *Winslow*, by whose side he steadily fought throughout, and whose life and vessel he saved from destruction?

The history of the service from its organization in 1790, through all the wars of the nation, is replete with instances of heroism both in peace and in war. The first gun of the civil war on the Union side was fired from the deck of a revenue cutter (the *Harriet Lane*) and the first gun of the war with Spain at Manila Bay was fired from another (the *McCulloch*).

It is only necessary to read the history of the country to ascertain that the brave and gallant men of the Revenue-Cutter Service did heroic work in the Revolutionary war, in the war of 1812, in the Mexican war, in the Seminole war, in the civil war, and in the war with Spain. How can anyone successfully contend, in the face of these facts, that the Revenue-Cutter Service is more civic than military? The record answers. The Revenue-Cutter Service is as much a part of the military arm of the Government in time of war as the Marine Corps.

And, sir, if the officers of the Army, the Navy, and the Marine Corps are entitled to rank, to longevity pay, and to retirement

after long and faithful service, then, in the name of justice and consistency, why should not the officers in the Revenue-Cutter Service be entitled to the same rights and to similar privileges?

Now, Mr. Chairman, what does this bill do? Very briefly, all that this bill does is to give to the men in the Revenue-Cutter Service rank. And how high rank? Only to the degree of a captain. By the terms of this bill no officer in the Revenue-Cutter Service can rise above the rank of captain or get a higher title than that of captain. The largest pay the highest officer in this service can receive is the same pay a lieutenant-commander in the Navy receives. Then this bill gives the Revenue-Cutter officers the right to be retired when they are old and physically incapacitated by wounds, exposure, and long service in all kinds of weather, in stress and in storm, in trial and in triumph, in sunshine and in rain, in peace and in war.

That is all that this bill does. What honest opposition can there be to it? The officers in the Marine Corps have now all these rights. Why make flesh of one set of officers and fowl of the other? Why discriminate against these brave and honorable men of the Revenue-Cutter Service? They ask for nothing in this bill that is not fair and just and right and proper.

There is not a member in this House who can arise in his place and say one derogatory word against the valor of these faithful men and the justice of their demands and claims as embodied in this bill.

There does not appear to be any valid reason why a body of officers who in every other respect serve upon a level with those of the Army and Navy should be denied equal compensation. The following table will show the wide difference which exists in this particular, while it also shows an unjustifiable discrimination against the officers of the Revenue-Cutter Service:

Difference in pay of officers, rank for rank, in the Army, Navy, and Revenue-Cutter Service after twenty years of service.

Army.		Navy.		Revenue-Cutter Service.	
Rank.	Pay.	Rank.	Pay.	Rank.	Pay.
Majors.....	\$3,500	Lieutenant-commanders.....	\$3,500	Captains.....	\$2,500
Captains.....	2,530	Lieutenants.....	2,520	First lieutenants and chief engineers.....	1,800
First lieutenants.....	2,140	Lieutenants (junior).....	2,140	Second lieutenants and first assistant engineers.....	1,500
Second lieutenants.....	2,000	Ensigns.....	2,000	Third lieutenants and second assistant engineers.....	1,200

It is essential to the morale and efficiency of any service such as this that there should be some reward for length of service. In the Army, Navy, and Marine Corps this is given in the shape of an increase of compensation at the rate of 10 per cent for each five years of service up to twenty years, or 40 per cent. Why should these officers, who are upon the same level in all things else, in life tenure of office, in general duties in peace and war, be denied this consideration?

It must be obvious that an officer who has served a given number of years in a particular grade should be entitled to better compensation than another who has just been promoted to that grade. Under existing conditions an officer who has served twenty years in one grade gets exactly the same compensation as another who has just been promoted to that grade.

But to illustrate further: Suppose that there are 30 officers in a given grade; that the annual salary of each officer of that grade is \$1,800, that the first 10 of these have served fifteen years, the next 10 have served ten years, and the remaining 10 five years, then—

The first 10 would receive \$1,800 plus 30 per cent.....	\$2,340
The next 10 would receive \$1,800 plus 20 per cent.....	2,160
The remaining 10 would receive \$1,800 plus 10 per cent.....	1,980

But without the percentage of increase the man who has served fifteen years would receive no more than he who has served but five years.

Under date of March 31, 1884, the Hon. Charles J. Folger, then Secretary of the Treasury, in a letter addressed to the chairman of the Committee on Commerce, House of Representatives, when recommending the enactment of a bill covering the features of this one (S. 1025), used the following language on the subject of an increase of compensation for length of service:

A third provision, to wit, that providing increase of pay for length of service, commends itself to my judgment as just and advantageous in a public sense. It seems to me based upon correct business principles, it being generally recognized that experience gives value to labor in proportion to the intelligence of the laborer and the importance of the work performed. In a technical service this is peculiarly the case, every year adding to the skill, trustworthiness, and ability of the officers.

There should not be, and there can not be, to my mind, any reason why, if officers of the Army, Navy, and Marine Corps are

thus provided for, the officers of the Revenue-Cutter Service should not be. The latter perform every duty in peace and war that officers of the Navy do. The Revenue-Cutter Service is not a volunteer service, but is an organized regular service, just as much as the Army, Navy, or Marine Corps, and is subject to the orders of the President just as they are.

The necessity for this legislation has been urged upon Congress by every Secretary of the Treasury from 1872 to 1901.

President McKinley, in his message to the Fifty-sixth Congress in December, 1900, used the following language:

Attention is invited to the recommendations of the Secretary of the Treasury for legislation in behalf of the Revenue-Cutter Service, and favorable action is urged.

It should not be forgotten that the officers of the Revenue-Cutter Service who will be retired under the age clause of this bill must serve until they reach the evening of life, or 64 years, while the naval officer must retire at 62, and that an officer may be retired in the Army, Navy, and Marine Corps after thirty years of service. The Revenue-Cutter Service asks that when old age sets in, after a lifetime spent in service, or when they become incapacitated from disability contracted in the performance of duty, that they may retire from active work and peacefully end their days upon the same terms that are accorded to officers of the other technical services of this Government.

The fact must not be lost sight of that of the 37 captains now upon the active list of the Revenue-Cutter Service, 16 have served from thirty-two to forty years, while the remaining 21 have served thirty years, each as commanding officers, while there is not an officer in the Navy of the grade of lieutenant-commander who has served as a commissioned officer over thirty years.

Now, sir, in regard to the objection of some that this bill will tend to create a civil pension list, I wish to say that it will not create a civil pension list any more than the Navy or the Marine Corps has created a civil pension list. There is no difference. There is not and there can not be any valid distinction. The Revenue-Cutter Service is and always has been essentially military.

Its military character was officially stated by the Treasury Department in the report of the service in 1881, as follows:

The Revenue-Cutter Service, while charged by law with the performance of important civil duties, is essentially military in its character. Each vessel is provided with great guns and furnished with as full a complement of small arms for its crew as any ship of war. Its officers are required to be proficient in military drill and possess a thorough knowledge of the uses of both great and small arms. Its crews are required to be instructed from day to day at the great guns and in the use of small arms.

Commanding officers are required, while boarding vessels arriving in ports of the United States, in case of failure or refusal of any such vessel on being hailed to come to and submit to the proper inspection by an officer of the service, to fire first across her bows as a warning, and in case of persistent refusal to resort to shot or shell to compel obedience. In the performance of this work they are likely at any time to receive injuries and to be subjected to the same dangers in time of peace as the force employed on naval vessels.

By act of March 2, 1799, it is provided that the revenue cutters shall, whenever the President so directs, cooperate with the Navy. It will be observed that the cooperation of the two services prescribed in the act above quoted is not contingent upon a state of war or other particularly perilous conditions. On the contrary, it may take place in time of peace and for specific purposes and when less hazard is involved to the two services than pertains to the discharge of a revenue vessel of its ordinary duties.

But if in legal theory they are civil employees, are they so in fact? Are they less positively a part of the military force in time of war than the Army or Navy? It is true that revenue vessels are not to be ordered into action on purely military service, offensive or defensive, except the President so directs; but neither are the vessels of the Navy.

The status of the Revenue-Cutter Service is therefore that of a coast-guard navy, as the Navy proper is an ocean navy. The one polices the coast and the other the ocean.

There is no duty performed by naval vessels in time of peace that can not be and has not been performed by vessels of the Revenue-Cutter Service, while in time of war they have taken part with the sister service.

The seizure of smugglers and the prevention of illicit trade—the only duty of the service that has direct relation with the collection of customs—is precisely similar to the duty of naval officers in seizing vessels engaged in contraband trade in time of war. Other duties of the Revenue-Cutter Service—such as the enforcement of the neutrality laws, the suppression of piracy and of mutinies in merchant vessels—are now actually imposed on and performed by the Navy in common with the Cutter Service.

The Revenue-Cutter Service manages to keep busy year in and year out. Like the Army and the Navy it is on duty all the year round; but unlike them, it has no winter season when its duties are less than at other times. In fact, the winter is the chief season for the revenue cutters, for then its vessels must be on the lookout for wrecks more carefully than ever. The report of the

Secretary of the Treasury shows briefly the operations of the service during the year ending last June, as follows:

Distance covered (nautical miles).....	312,091
Lives saved (actually rescued).....	55
Vessels boarded.....	20,089
Vessels seized and reported for violations.....	309
Fines of vessels so reported.....	\$54,800
Vessels assisted.....	77
Value of vessels assisted with cargoes.....	\$4,923,095
Persons on board assisted.....	3,520
Persons in distress cared for.....	201

This indicates considerable activity during the year on the part of our oldest military branch of the Government. Splendid record for one year, but it has been the same to a greater or a lesser degree year in and year out for more than a century.

Yes, Mr. Chairman, as an American citizen I take a great pride in the Revenue-Cutter Service, and as a member of Congress I am glad to say I favor this bill because I believe it is just, because these brave fellows have earned this reward and this recognition, and because I know the service the men on the revenue cutters of the United States do. From the icy waters of Alaska to the coral strands of Florida these men are always on deck, always on duty, always earning their pay, always in the service of their country. These men in time of peace do a great work saving lives, enforcing the law, and looking after wrecks and derelicts on the high seas. Their work is never done.

The duties of revenue cutters in times of peace appeal to the public more forcibly than in times of war. At the present time a cordon of cutters is cruising along our Atlantic coast, not to suppress smuggling, as that has been almost entirely stamped out, but in the interest of humanity, to rescue the shipwrecked mariners, to lend aid to vessels in distress, and to destroy those menaces to life and property on the seas, the numerous derelicts, whose specter-like forms are almost daily encountered along the ocean highways.

These are the men who are asking us for relief—who are asking us to pass this bill—men who share equal danger with their more favored brothers in the Army and Navy in times of war, and who, in times of peace, having no sinecure to drop into on shore, are daily performing the most hazardous duties at sea in the interest of humanity. Will you not give to these brave officers the same consideration you give to the Army and the Navy? The Revenue-Cutter Service, coeval with the foundation of our Government, a part of all of our history in war and in peace, is now knocking at the door of the American Congress, asking for just treatment. In every war it has been true to the flag. The record it has made is the priceless heritage and the proud boast of every patriotic American. There is no day in the week, no month of the year, that these men in the Revenue-Cutter employ of the Government do not practically take their lives in their hands when they go to sea.

The Revenue-Cutter Service is not under the civil service, except for the fact that, as a matter of convenience, it is so classified in making the appropriation for its maintenance. No civil employee is compelled to fight for his country except he volunteers; yet every Revenue-Cutter officer is, simply by direction of the President, required to cooperate with the Navy in any duty whatsoever.

Never has a war been fought upon the seas by this country that the Revenue-Cutter Service has not taken an active part, whether it wanted to or not. Can this be said of any other branch of the civil service? When Congress, as a reward to volunteers on sea and land, voted two months' extra pay to each, did the Revenue-Cutter Service receive such extra compensation? The Auditor for the Navy and the Comptroller of the Treasury promptly decided that this service is a part of the regular establishment for the defense of the Government, and as such could in no way come under the classification of volunteers.

This bill passed the Senate without a dissenting vote. It ought to pass this House without division. It is as just a measure for as brave and as gallant a band of men as ever was submitted for consideration to a legislative body, and I hope, I believe, it will soon be a law. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. BELLAMY] for fifteen minutes.

Mr. BELLAMY. Mr. Chairman, I can not expect to add much to the arguments that have already been presented in favor of this measure in the short time allotted to me, but I desire simply to reenforce what has been already said, and to give some additional reasons for the passage of the pending measure. This bill has very unjustly and improperly been stigmatized as a bill to create another civil pension list.

Mr. Chairman, as an original proposition, if a bill was proposed before this body to-day to retire the officers of the Army and Navy, I myself would not give it my sanction. In fact, in this country of ours, I do not as a general rule believe in having a retired list; but it has grown up in our system for the Army and

Navy, and in a part of the service—the Revenue-Cutter Department—which is just as effective and which, both in war and in peace, is the equal of the Navy in every respect, if not its superior in some, I think it is an injustice to the men in the Revenue-Marine Service to withhold from them the compensation and emoluments that are extended to the Navy.

Now, Mr. Chairman, let me say that I was much impressed by the arguments of the gentleman from New York [Mr. SHERMAN] and the gentleman from Wisconsin [Mr. MINOR] in support of this measure. The gentleman from New York [Mr. SHERMAN] gave to this body the course of study that the cadets on a training ship of the Revenue-Marine Service, after being admitted to the service, had to pass, and compared it with that of the Navy, showing conclusively to my mind it was an equally efficient education and made men just as cultured, just as patriotic, just as competent to man the Navy of our Government as does the course at Annapolis. I do not believe that an education at West Point or Annapolis makes an aristocracy of its graduates.

Mr. Chairman, there must be in a man to make him a gentleman something more than a college can give him. There must be moral instincts which come not alone from training, but must be there by nature.

Here and there my lord is lower than his oxen and his swine;
Here and there a cotter's babe is royal born by right divine.

But, sir, let me say that if the members of this body will consult the manual of examinations of the classified civil service they will see there the requisites of admission to the training ship in the Revenue-Marine Service, and will also see the examination required of cadets who apply for admission to the Naval Academy. During the last year the officers in charge of the Naval Academy applied to the Civil Service Commission to have the examination of cadets take place in various parts of the country for the convenience of the applicants; and let me show you how much superior the requisites for admission to the Marine Service are to those for admission to Annapolis.

On the first day of the examination for admission to the Revenue-Cutter Service there are exercises in spelling, geography, history, the Constitution of the United States, and grammar. On the first day of the examination for admission to Annapolis they have punctuation, grammar, geography, history, world's history, reading, and spelling.

On the second day to be admitted to the Revenue-Cutter Service the examination comprises algebra, including quadratics and binomial theorem, geometry, plane and the elements of solid, and trigonometry, plane. What is prescribed for admission to the Naval Academy? Simple arithmetic and algebra.

On the third day for admission to the Naval Academy it is geometry, and in no instance are they examined upon simple trigonometry, or spherical trigonometry, or the higher branches of mathematics.

On the third day of the Revenue-Cutter Service examination they are examined on physics, chemistry, inorganic, and general information. These subjects are not examined on at all for admission to Annapolis. Now, I say, sir, there are very superior and higher requisites for admission to the Revenue-Marine Service over that for admission to Annapolis.

Now, Mr. Chairman, let me submit another reason to my brethren here to-day. The remarks of the opponents of this measure have impressed me very much, that the gentlemen who have been antagonizing this bill are thoroughly unacquainted with the methods, practices, and requirements of the Revenue-Marine Service. I believe I am safe in venturing the assertion that there is not a man who has raised his voice against this bill upon this floor who has ever in his life been on the deck of a revenue cutter, not one.

It takes some familiarity with the sea, it takes some acquaintance with the cutter service and the naval service to compare them justly, and no man with equal knowledge of them both can fail to come to the conclusion that the service of the revenue marines is equally effective in time of war and more effective in time of peace than is the naval service of our Government. I do not deny the importance of the naval branch of our Government; they are chivalrous in peace and valorous in war, but not more so than the splendid set of officers who honor the Revenue-Cutter Service. I wish to send to the desk to have read the instructions that were given in November last to Captain Willey, commanding the U. S. S. *Algonquin*, at the port in which I reside. I desire to show by this what the duties of the Revenue-Cutter Service are from the 1st day of December to the 1st day of April, during the four months of winter. I ask the Clerk to read.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
DIVISION OF REVENUE-CUTTER SERVICE,
Washington, November 26, 1901.

Capt. O. S. WILLEY, R. C. S.,
Commanding U. S. S. *Algonquin*, Wilmington, N. C.

SIR: The President having designated the revenue steamer *Algonquin* to cruise under the provisions of section 1536, Revised Statutes, to afford such

aid to distressed navigators as the circumstances may require and as may be in your power to render, you are directed to have your command in readiness to enter upon this important duty by the 1st proximo.

In order that you may be able to extend the necessary relief to the crews of such vessels in distress as you may discover or fall in with, the *Algonquin* should be provided with provisions, water, and fuel, in such quantities as can be stowed conveniently.

Having in all respects prepared your command for the work contemplated by these orders, you are directed to cruise your ship actively from the date named until April 1, 1902, from Wilmington north to Cape Hatteras and south to Charleston, S. C., making a harbor when stress of weather, want of fuel, provisions, or other good reasons may make it necessary, keeping at all times a vigilant lookout for vessels in need of assistance.

You will govern your movements so that as little time as possible shall be spent at Wilmington or at any other port upon the cruising grounds herein assigned you, the purpose being that constant and vigilant activity shall govern the movements of your command.

You are directed to confer with all chief officers of the customs at such ports as you may visit, with a view to obtaining information concerning infractions of law to enable you, as far as may be, to correct the same.

You will make it a point, whenever practicable, to keep within communication by telegraph, advising all collectors of customs at ports visited, before sailing on a cruise, of your next port, in order that they may communicate to you intelligence of disability or distress on the coast or other matters requiring your attention to enable you to proceed without loss of time to execute such duty as may be indicated to you.

Upon your arrival at any port or anchorage having mail communication, you will announce the fact by letter to the Department, giving date of arrival, date of probable departure, and destination, adding reasons for stay in port or anchorage of more than twenty-four hours' duration. As soon as possible after entering a port you will send an officer on shore for the purpose of getting information of vessels stranded or otherwise in distress, and upon gaining such intelligence, if the circumstances of the case require it, you will get under way at once and proceed to the scene, rendering such service as may be possible.

From the first port entered after having rendered assistance of any kind you will submit a report to the Department upon the usual form (No. 2015), giving such particulars as will show fully the services performed.

In all cases of assistance rendered you will elaborate all details, in order that a clear comprehension of the duty performed may be conveyed.

You are to understand that the successful accomplishment of the objects of the duty herein assigned will require constant and energetic direction, and no excuse short of disablement of your ship will be accepted for a lax or perfunctory performance of the winter work.

In carrying out the instructions contained in these orders you will not only attend to such duties as come under your observation in the course of cruising, but you are charged with the duty of seeking work for your command.

You are not restricted in any way, but, on the contrary, are given full latitude to respond in all cases where the duty of aiding distressed vessels, and in the performance of work, you may be useful. There must be no idleness of your command upon any pretense whatever. In short, you are expected to be active and energetic in looking for work for your command, and will not wait for it to "turn up."

You are further informed that you will be held responsible for the lack of strict compliance with the provisions of the Regulations of the Revenue-Cutter Service embodied in paragraphs 133-142, inclusive, and you will therefore carefully inform yourself of the purport of the regulations cited and govern yourself accordingly.

Should you gain information of the presence within your cruising limits of derelicts or strands in the path of commerce, you will not wait for orders in the premises, but will do all in your power to remove or destroy such, and immediately report your action to the Department.

If you find a derelict that can not be removed without "blowing it up," you will at once report the fact by wire to the Department for its action.

The interests of the public service, no less than those of the Revenue-Cutter Service, demand that, as a commander of a public vessel, you should give your time and best energies to the discharge of the onerous trusts imposed by law and regulations in the duty herein assigned to your command, and it is hoped that you will leave no effort untried to make for your command an enviable record of work done and duty performed.

Groping about the coast in fog and thick weather, making runs at night, or cruising in gales of wind (unless caught out), practices heretofore followed for the sole purpose of covering distances, will not be approved. In the cruising of your command you must have in view the performance of effective work only.

Your attention is called to the necessity of boarding and examining vessels fallen in with while under way or in harbor for the enforcement of the customs and navigation laws, and ample boarding lists will furnish one evidence of the energetic performance of duty.

You will inform the officers of your command that no leaves of absence will be granted by the Department from the beginning until the end of winter cruising.

Respectfully,

H. A. TAYLOR, Assistant Secretary.

Mr. MANN. May I interrupt the gentleman?

Mr. BELLAMY. Yes.

Mr. MANN. May I inquire of the gentleman if this is a copy of printed instructions, or was this a letter of instructions to this particular captain?

Mr. BELLAMY. These are instructions to that particular captain, but they are similar to those sent to every other captain on the coast whose vessel is engaged in work similar to the *Algonquin*.

Mr. MANN. May I inquire what was the necessity of giving the particular instructions of this character in reference to regulations of law to a captain who has been in the service for a great many years?

Mr. BELLAMY. The reason is that during eight months of the year these gentlemen in the Revenue-Cutter Service are not required to cruise along the coast so constantly, but during the months of December, January, February, and March, when gales prevail, when we have much loss of life and property, during the freezing weather, when there is rain, sleet, and snow, and when there is generally great peril to life and property at sea, it is made incumbent upon the chief officer of this service to divide the coast into districts, and direct the cutters to watch certain portions of the coast. The *Algonquin* is given as her sphere of

duty the seaboard from Hatteras to Charleston, another steamer from Charleston down, another steamer from Hatteras up to Delaware Bay, and so on up to the coast of Maine.

Mr. MANN. What I wished to get at was whether this instruction was something new to captains, or whether during Captain Willey's thirty years of service he had ever acted in the same capacity before.

Mr. BELLAMY. Oh, yes; they are annual instructions, but are given at the beginning of every winter season; and I have simply had these instructions read as a part of their duties to show you the nature and character of the service of these men. During the four months I have designated—December, January, February, and March—when it is sleeting and raining and freezing, these people are not even permitted to go into port, except when necessary to make a report or to supply the ship with exhausted provisions or coal. Yet in the meantime, during the corresponding period, where are the officers of the Navy, as a rule, may I ask? They are at Hampton Roads, or at other ports of the country, lying on their easy couches, or socially chatting, smoking fine cigars, and probably some on shore dancing the german or the cotillions.

Mr. MANN. Will the gentleman submit to another interruption?

Mr. BELLAMY. Certainly.

Mr. MANN. This same steamer, the *Algonquin*, was at Wilmington last winter a year ago as well as this last winter, was it not?

Mr. BELLAMY. Yes, sir.

Mr. MANN. I suppose engaged in the performance of the same duties.

Mr. BELLAMY. Only after it is ordered by the Secretary to proceed.

Mr. MANN. Is the gentleman able to inform us whether during the winter of 1890 and 1891 this steamer that you have mentioned, the *Algonquin*, was engaged in cruising up the coast, as the gentleman says, "during the sleet and rain," and not permitted to go into port?

Mr. BELLAMY. This is a general regulation that is issued each year, as I understand it, and the *Algonquin* was likewise engaged in the season before, and each antecedent season since her construction.

Mr. MANN. Will the gentleman permit me—

Mr. BELLAMY. You are consuming my time.

Again, Mr. Chairman, let me show another fallacy in the arguments of the opponents of this bill. The gentleman from Alabama [Mr. RICHARDSON] consumed two columns of the RECORD of yesterday to show that this bill, if it becomes a law, will give the Revenue-Cutter officers greater compensation than the officers of a similar rank in the Navy now get. He based his whole argument upon section 1556 of the Revised Statutes, and quotes it, or a part of it, in the RECORD.

The gentleman from Alabama attempted to show that a captain of the Revenue-Cutter Service would get more pay than a lieutenant-commander of the Navy, with whom, under this bill, he would hold equal rank. The gentleman, unintentionally of course, quoted that section of the Revised Statutes for the amount of pay the naval officer now receives. This statute, as he should know, was repealed by the personnel bill, approved March 3, 1899, so that it has no existence now whatever. Lieutenant-commanders now, according to law, receive the same pay as a major in the Army and the same pay which it is proposed to give captains of the Revenue-Cutter Service; the pay is \$2,500 a year. A lieutenant-commander in the Navy or a captain in the Revenue-Cutter Service will, by force of circumstances, both have served at least twenty years before reaching either grade. This will entitle them to four increases of 10 per cent each, so that they will both actually receive the same salary—that is, \$3,500 per year.

It must be borne in mind that the rank of lieutenant-commander in the Navy is only an intermediate step in promotion, as anyone in that grade is eligible for promotion to a commander, then to captain, and, finally, to the grade of rear-admiral, when he would receive as high as \$7,500 a year.

On the other hand, when a Revenue-Cutter officer reaches the grade of captain that is as high as he can ever go. His salary can never be higher than \$3,500 a year, or less than one-half the amount the naval officer can reach.

Revenue-Cutter officers very seldom reach the highest grade before they are 52 years old, and some not until they are 60.

Navy officers, on the average, reach the grade of lieutenant-commander and begin to draw \$3,500 a year when they are between 40 and 45 years old.

The gentleman from Alabama also says the cutter officers are civil officers. They are not civil officers; they are the coast guard of our nation. In England her navy are assigned to this duty, and they are no more civil officers than are Britain's navy when performing these functions. They are in their very nature essen-

tially both naval and military. The revenue cutters of our country have participated in every war our country has waged. They were prominent and efficient in the war of 1812, the Seminole war, the Mexican war, the unfortunate civil war, and also in the Spanish war.

The men of this service are commissioned and dismissed the same as they are in the Navy. The seamen are enlisted, uniformed, and drilled as in the Navy. The ships are armed as similar ships in the Navy, and in the Spanish war they carried 61 large guns. They have ever cooperated with the Navy in peace as in war. They were prominent in the Bering Sea patrol, and were likewise prominent in preventing filibustering expeditions from being fitted out and sailing from our coast before the war with Spain. Their officers are invited and detailed to lecture before the Naval War College at Newport, and are eagerly sought to become associate members of the Naval Institute at Annapolis. Then why should they be dubbed civilians? To set this matter at rest, I can but quote from some very excellent remarks made by Mr. Scudder, of New York, at the last session of Congress, wherein is shown a potent decision of the Department on this subject:

It seems to have escaped general notice that the officers and men of the regular Revenue-Cutter Service can not volunteer, and therefore they are not volunteers. Second Lieut. Walker W. Joynes, Revenue-Cutter Service, has demonstrated this beyond a question of a doubt, having, in order to make a test case, applied for the two months' extra pay given to volunteers, he having served on the cutter *McCulloch* at the battle of Manila. His application was denied, and the Auditor for the Treasury Department and the Solicitor of the Treasury decided that—

"A regular officer or a regularly enlisted man of the regular Revenue-Cutter Service is not competent to volunteer in time of war, because it is just as much a part of his duty to serve as it is the duty of a regular officer or regularly enlisted man of the Army or Navy to serve in time of war."

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELLAMY. I am willing to answer any question of the gentleman, because I am of the belief that he is one who was never on the deck of a revenue cutter and knows nothing whatever of the true character of the Cutter Service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. I hope the gentleman from New York will give the gentleman from North Carolina some more time.

Mr. SHERMAN. I can not yield any more time, as the time is all parceled out, so that I can not yield any gentleman any more.

Mr. BELLAMY. I wish the gentleman would yield me five minutes, so that I may complete one other argument I desire to make.

Mr. SHERMAN. I can not. I have made promises so that I can not yield any more time at present, and I am very sorry.

Mr. BELLAMY. Then I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I yield twenty minutes to the gentleman from California [Mr. LOUD].

Mr. LOUD. Mr. Chairman, it seems almost a waste of time for a person to attempt to discuss a measure when there are probably not two men on the floor of the House who have not thoroughly made up their minds as to how they are going to vote on this question. But since I have been a member of this House, on all occasions when measures have been before this body looking either to a civil-pension list or putting gentlemen on the retired list, I have announced my views; and only for that purpose do I rise now.

The gentleman from North Carolina took occasion to criticize those who opposed this bill as being wholly unfamiliar with the Revenue-Cutter Service. I supposed he referred to the gentleman from Iowa [Mr. HEPBURN], the gentleman from New York [Mr. SHERMAN], and such other gentlemen as advocate this measure as gentlemen who have seen many years of hard and arduous service on the plains of their resident country. The gentleman before he took his seat said that he had never been on the deck of a revenue cutter—

Mr. BELLAMY. Oh, no. May I interrupt the gentleman?

Mr. LOUD. Certainly.

Mr. BELLAMY. I did not say that I had never been on the deck of a revenue cutter. I said that of the gentleman from Illinois [Mr. MANN].

Mr. LOUD. Well, then, I misunderstood the gentleman. But, however that may be, Mr. Chairman, I will venture to assert that there are as many barnacles on the backs of the gentlemen who oppose this measure as there are on those who advocate it. I am opposed to this measure, and should have opposed the retirement provision for the Army and should have opposed the retirement provision for the Navy if I had been a member of this body at the time such legislation was up. A pension provision or a retirement provision for those who work for the United States Government is absolutely wrong in principle. If a retirement law have any equity whatever, then that law must first be made

to apply to those who are poor and unfortunate in their old age. A man who perchance through influence has been upon the Government pay roll all of his life at a higher salary than he could ever obtain anywhere else should have no more privileges, and is entitled to no more privileges than the men who have never received these large salaries.

I am opposed to a retirement or a civil pension list on principle. But if it be equitable then the same system of retirement should be inaugurated in this country that is inaugurated in New Zealand—that is, when a man becomes old, when he is worn out, and has accumulated nothing during his life, the Government shall take care of him until he goes into his grave. But the difficulty with a civil pension list and a retirement list of any kind is that it is socialism run mad. If you provide a pension for a man when he shall have reached a certain age and retire him on three-fourths or half pay, you hold out to him the temptation to spend every dollar that he may earn; you hold out hope to him that there is a Government, of which he is a part, that will support him just so long as he may live. That stifles human incentive, hence is socialism.

Mr. Chairman, I believe that a man should be taught to look out for himself. A large majority of the men of this country do not make \$600 a year. They struggle and toil. They are subjected to the blasts of winter and the heat of summer; they bring up a large family; yet as every day goes by these provident men lay up a small amount of money, and by that very effort they are compelled to depend upon themselves. Take that away and you have a man useless to civilization.

I know a little something about the Revenue-Cutter Service, perhaps as much as the gentleman from North Carolina. My younger days were spent upon the sea; I spent more than a year, off and on, upon a revenue cutter. I have some familiarity in a general way with the Revenue-Cutter Service, and I know that a Revenue-Cutter officer is simply a civil employee of the Government. The gentleman says these officers may be called into active service in defense of their country. That is true. So is every male citizen between the ages of 18 and 45 liable to be called into the active service of his country.

Mr. BELLAMY. May I ask the gentleman a question?

Mr. LOUD. Yes, sir.

Mr. BELLAMY. Is the gentleman familiar with the fact that after the Spanish war a certain Revenue-Cutter officer, in order to make a test case, applied for extra pay for his services during the war with Spain on a revenue cutter; and that the decision upon that case was that the Revenue-Cutter Service is a part of the military and naval department of the Government, and therefore the officers of that service are not entitled to any pay under such circumstances?

Mr. LOUD. Well, I do not care to argue that question. I will withdraw the statement, if it will please the gentleman, as my time is very limited. I have not had the time to investigate this subject thoroughly enough to make a technical speech upon it.

Mr. BELLAMY again rose.

Mr. LOUD. The point raised by the gentleman is wholly immaterial, and as I have only twenty minutes I do not care to argue the legal status of this case. I am willing to admit, if it will satisfy the gentleman, that these officers are in the military service. That question is really immaterial for the purposes of the argument that I have in view.

The gentleman says there are but 215 of these officers. Now, if it is just to retire the officer, who becomes a lieutenant in two years, why should we not retire the men? To this point a gentleman replied the other day that the men remain in the service only three years. I will venture to say that if you pay the men of the Revenue-Cutter Service a sufficient amount of money they will stay there until they die; and I am sure that the man on deck is entitled to the charity, or liberality at least, of his Government as much as the officer.

A young man enters the service as a cadet, and in two years becomes a lieutenant. I believe I am correct about that. Another young man enters the merchant service, and if he becomes a second officer in ten years, he is one out of five thousand, and when he gets to be second mate of a ship of 1,000 or 1,500 tons, how much salary would he get after possibly ten or fifteen years' service before the mast? As second mate of a ship of 1,000 or 1,500 tons he would get \$40 or \$50 a month when he could catch a job.

The motive power behind this bill is the motive that ultimately will force a civil pension list upon this Government. We have in effect a civil pension in every department already. Why, sir, there are men in those departments who have become incapacitated for performing service; and the head of the division, seeming to suppose that he is running the division and paying the salaries out of his own pocket, says: "I have not the heart to perform my duty to the people of this country; that is, I have a man here that can not earn a dollar a year. I will not dismiss him." Why, sir, under such circumstances the head of a bureau

or division has no discretion. He is put in his place simply to execute his duty to this Government, and he must see that every man performs his duty faithfully and well, and he has no discretion to keep an incompetent employee there drawing a salary and doing nothing.

Now, there are a number of officers in this Revenue-Cutter Service, I understand, who have been on waiting orders for a number of years. Why? Because the Secretary of the Treasury, in the goodness of his heart, has not the "mean" disposition, is not "cruel" enough, to dismiss them. He is perfectly willing that the man who is supporting his family on \$600 a year shall be taxed to keep this other man in idleness, but he has not the courage to perform his duty and dismiss that man from the service.

I am surrounded with these revenue officers, as I am surrounded by post-office clerks, letter carriers, and other Government officials. Probably I have as many of these people surrounding me as any other man here. San Francisco is the great commercial city of the Pacific coast. Revenue officers abound there.

They have been after me, as they have been after you, a number of years. They are connected by marriage or blood with some of my constituents, just as the officers of the Navy are connected by ties of marriage or blood with many of our constituents. As a result, we passed the naval personnel bill; and as a result, in order to get these old fellows out of the way who can not go to sea and perform duty—in order that they may be retired, and thus promotion be given to a lot of young men who are waiting—I suppose we shall pass this legislation. However, I hope not.

I say again—and I will not discuss this question from a legal standpoint—this is a civil service. An officer or man in the Revenue-Cutter Service is in the civil service of the Government. I venture the assertion that there were more men killed and wounded in the Railway Mail Service during the years 1900 and 1901 than have ever been killed in the Revenue-Cutter Service since more than one hundred years ago. Why not pension them? Why not retire them? It is a more dangerous service than the Revenue-Cutter Service. Then take the men who are in the Life-Saving Service, a service a thousand times more dangerous than the Revenue-Cutter Service. Why not pension them?

But gentlemen say, "These men sometimes perform naval duty." Well, perhaps they do. But after you shall have provided for the retirement of Revenue-Cutter officers—officers in the civil service of the Government—you have approached so near to the retirement of any and every civil Government employee that you can not longer rise in your place and oppose the retirement of other men in the civil service.

And that is where the danger is, and I want to point out to the House, and the only object I sought to obtain was for a moment to call attention to the danger of passing legislation of this kind, because after you once embark you are on the broad sea of retirement or civil pensions for all time to come; and if you are going to embark in civil pensions, then I say those most entitled are not those in the Government service, but those outside of the Government service who receive a much less salary than the average man who works for the Government.

Mr. Chairman, I yield back the balance of my time.

Mr. MANN. Mr. Chairman, how much time has the gentleman from California consumed?

The CHAIRMAN. Sixteen minutes.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAHON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4872. An act to amend an act entitled "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895.

Senate concurrent resolution 33.

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth 6,000 copies of the revised course of study for Indian schools; 1,500 for the use of the House of Representatives and 1,500 for the use of the superintendent of Indian schools.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11053. An act providing for issuance of patent to the town site of Basin City, Wyo., to the municipal authorities thereof for the use and benefit of said town, and for other purposes;

H. R. 12095. An act to amend section 4883 of the Revised Statutes relating to the signing of letters patent for inventions;

H. R. 283. An act granting an increase of pension to Robert M. McCullough;

H. R. 610. An act to correct the military record of John F. Antlitz;

H. R. 725. An act granting an increase of pension to Joseph B. Arbaugh;

H. R. 809. An act granting an increase of pension to James P. Burchfield;
 H. R. 918. An act granting an increase of pension to Charles Misner;
 H. R. 1190. An act granting an increase of pension to Albert S. Whittier;
 H. R. 1275. An act granting an increase of pension to Charles W. Thomas;
 H. R. 1278. An act granting an increase of pension to La Myra V. Kendig;
 H. R. 1503. An act granting an increase of pension to Michael Farrell;
 H. R. 1714. An act granting an increase of pension to Levi H. Winslow;
 H. R. 1938. An act granting an increase of pension to Helen V. Rorer;
 H. R. 2287. An act granting an increase of pension to George McDaniel;
 H. R. 2545. An act granting an increase of pension to Isaac H. Crim;
 H. R. 2770. An act granting an increase of pension to Otilia M. Smoot;
 H. R. 3275. An act granting an increase of pension to William G. Johnson;
 H. R. 5327. An act granting an increase of pension to William H. Mackey;
 H. R. 5712. An act granting a pension to Alice Bozeman;
 H. R. 5761. An act granting a pension to Thomas F. Walter;
 H. R. 6016. An act granting an increase of pension to William J. Overman;
 H. R. 6196. An act transferring a lot in Woodland Cemetery to city of Quincy, Ill.;
 H. R. 6438. An act granting an increase of pension to Matthew C. Medbury;
 H. R. 6687. An act granting an increase of pension to Lorenzo Blackman;
 H. R. 6918. An act granting an increase of pension to Thomas Bliss;
 H. R. 7250. An act granting an increase of pension to Margaret Hendry;
 H. R. 7811. An act granting a pension to Mary King;
 H. R. 8048. An act granting an increase of pension to James A. Bramble;
 H. R. 8471. An act granting a pension to Eliza A. Wright;
 H. R. 8651. An act granting a pension to Maggie Helmbold;
 H. R. 8696. An act granting an increase of pension to William B. Rowe;
 H. R. 9621. An act granting an increase of pension to Andrew Y. Transue;
 H. R. 9791. An act granting an increase of pension to John Reep;
 H. R. 9848. An act granting an increase of pension to Joseph Cowgill;
 H. R. 10141. An act granting an increase of pension to William R. Armstrong;
 H. R. 10415. An act granting a pension to Sarah M. Smith; and
 H. R. 10692. An act granting an increase of pension to David C. Maples.

REVENUE-CUTTER SERVICE.

The committee resumed its session.

Mr. MANN. I yield to the gentleman from Indiana [Mr. CRUMPACKER] for twenty minutes.

Mr. CRUMPACKER. Mr. Chairman, the Revenue-Cutter Service is a necessary and an honorable branch of the public service and I have no doubt it performs its functions most creditably. I have no disposition to disparage the efficiency or the merits of this branch of the service. As a matter of fact I know personally but little about it in detail. When a bill similar to this was up for consideration last year I made a few remarks in opposition to the measure, and the gentleman from Iowa [Mr. HEPBURN] followed me and said that, judging from the character of the speech I made, he inferred that I believed a revenue cutter to be very similar to the cutter that Santa Claus drives over the country with his reindeers in distributing benefactions to the good little boys and girls at yuletide. Gentlemen have asserted repeatedly, in discussion of this bill, that it is a meritorious measure; that no just grounds have been advanced why it should be defeated.

The burden, Mr. Chairman, is upon the advocates of the measure. I have listened patiently to most of the discussion, and it seems to me that no adequate reasons have been advanced by a single advocate of the measure why it should become a law. The bill, I admit, is somewhat of an improvement over the one reported a year ago, but the vicious principle is still retained. The question of the character of the Revenue-Cutter Service, whether civil or military, is hardly open to discussion. It is not a debatable question. The Revenue-Cutter Service is ancient and honor-

able—it was organized in 1790, for the purpose of assisting in the collection of the customs. It is under the control of the Secretary of the Treasury. The revenue cutters of course carry an armament; that is necessary. It is just as necessary for revenue cutters to be armed for the enforcement of the law as it is for police officers in the municipalities to carry guns and clubs; just as necessary as it is for deputy marshals in the moonshine districts of the country to go armed.

Its military character is only incidental. Its military functions are altogether subordinate. When you come to consider the question of justice to this branch of the public service, let me ask, gentlemen, by what standard they undertake to measure that intangible essence. There are two sides to the question, and in dealing with it we not only owe a duty to the men engaged in the service, but at the same time we must keep in mind the interests of the people of the country. There is only one principle by which we can determine the question of justice in the public service. When any branch of the public service offers sufficient inducements to attract men away from the activities of individual life—to attract a sufficient number of competent men—and they are paid their fixed salaries, full justice has been done to all.

It is not denied that men in this service are paid better, more munificently, than men in the civil operations of life are paid for similar kinds of service, but gentlemen say they are not as well paid as the Army and Navy. That may be. I know they are not as a matter of fact. But we are told that they are not relatively as well paid as the Army and Navy, and that the Revenue-Cutter Service is substantially upon the same basis as the others. Why, gentlemen in their enthusiasm in support of this bill have placed the Revenue-Cutter Service upon a pedestal and glorified it here. We know, Mr. Chairman, that it is simply the great ocean patrol, that it is a coast guard of the United States, and I believe it bears about the same relation to the United States Navy that the great forces of municipal police bear to the Army. In the great cities of this country, so well and efficiently policed, the salaries are lower than the salaries paid to the officers of the Revenue-Cutter Service to-day, and in few of them is there leave of absence or sick leave. Some of the States have established not a retired list, but a police pension list. That may be very proper, but it is a local matter altogether. The only purpose of this bill is to increase the rank and the pay of the officers of the Revenue-Cutter Service. It is entitled "A bill to promote the efficiency of the service." How does it promote the efficiency of the service? Has any gentleman, any advocate of the measure, explained in what particular a single provision of the bill has promoted or is calculated to promote the efficiency of the service?

Mr. GRAHAM. If the gentleman will allow me, I call attention to the fact that this bill provides for the removal of some of the barnacles that have been overhead in this service, that are filling the higher positions, that will be retired under this act, if it passes.

Mr. MAHON. Some of them 88 years old.

Mr. GRAHAM. Will not that improve the efficiency of the service? I have in mind one man in particular who is over 90 years of age, who is in this service, who is not doing a particle of work, and yet he and others like him are depriving younger men of promotion and of positions.

Mr. CRUMPACKER. Mr. Chairman, it is a sad commentary upon the public service and upon the character of its organization if it has no method of disposing of incapacitated public officers. I do not believe the public service is any such condition as that. The Government is not called upon to retain on the pay roll at high salaries men who are unable to earn a single dollar.

Mr. GRAHAM. This service has such men.

Mr. CRUMPACKER. Then the fault is in the administration and not in the law. It ought to be more wisely administered.

I understand that under this bill the barnacles to whom the gentleman refers are to be put upon the retired list with probably \$125 a year more pay than the most efficient men of the same grade in the active list are getting to-day. They are to be put upon the retired list at about five times as much as the great army of toilers and home builders to whom the gentleman from California [Mr. LOUD] referred, five times as much as they get for active service, that great army who have no sick leave, no annual leave, and no retirement list.

Mr. GRAHAM. Does the gentleman consider \$2,500 a year an outrageous sum to pay an efficient officer who has given his life to the service?

Mr. CRUMPACKER. I consider \$2,500 a year too much to pay to any man for doing nothing. I am willing to pay \$2,500 or \$25,000 for an adequate return.

Mr. GRAHAM. Then why did you vote for the retirement provision for the Army and Navy?

Mr. CRUMPACKER. My recollection is that I was not in public life when that grave and important question was up for consideration.

Mr. GRAHAM. How would the gentleman have voted in that case?

Mr. CRUMPACKER. That is a different proposition. I do not know.

Mr. GRAHAM. The last Army bill was March 3, 1899. It contained that provision. Did the gentleman vote for it?

Mr. CRUMPACKER. I do not remember.

Mr. LANDIS. I should like to ask the gentleman from Pennsylvania how he would vote on a proposition to retire the railway mail clerks?

Mr. GRAHAM. That is not a parallel case, because that is purely civil service and this is not.

Mr. MOODY of Massachusetts. A great deal stronger case can be made in favor of the railway mail clerks.

Mr. LANDIS. Certainly it can. The case of the railway mail clerks is a great deal stronger.

Mr. GRAHAM. That is a branch of the civil service and this is not.

Mr. SHAFROTH. May I ask the gentleman how he would vote on a similar proposition for the officers of the transport service?

Mr. MANN. I should like to ask the gentleman how he would vote on a proposition for a retired list for the Life-Saving Service?

Mr. GRAHAM. I believe that would be quite proper, and if such a proposition comes up I will vote for it.

Mr. MANN. And the Light-House Service?

Mr. GRAHAM. No; not the Light-House Service. That is different.

Mr. MANN. And the deputy-marshal service?

Mr. GRAHAM. There is no similarity whatever between the cases.

Mr. MANN. That is the most dangerous service under the Government.

Mr. LANDIS. The Internal-Revenue Service.

Mr. MANN. Yes; it is the most dangerous service under the Government.

Mr. LESSLER. How about Congressmen?

Mr. GROSVENOR. The gentleman from Illinois certainly does not mean to say that we are living in a country where, with very few exceptions, in possibly half a dozen districts in the United States, a deputy marshal is in danger in the discharge of his duty under the laws of the country?

Mr. MANN. There are more deputy marshals killed in two years than there are killed in the Revenue-Cutter Service in a hundred years.

Mr. CRUMPACKER. I think there is no doubt about it. Here is the deputy-marshal service, the municipal police, the municipal fire-department service; here is the Life-Saving Service and the Railway Mail Service, where the percentage of casualties is much greater according to the records than in the Revenue-Cutter Service.

Mr. GROSVENOR. And the same may be said of the Army and the Navy, both.

Mr. CRUMPACKER. That is true. But in this country there is a great deal of sentiment and patriotism about the Army and Navy. They are supposed to be the embodiment of the power and the chivalry of the country, and they have a certain social standing to maintain, whatever may be thought of that aspect of the question.

Mr. GROSVENOR. And we have just astonished the world with our Navy, and astonished all mankind, and lost but one man in doing it.

Mr. CRUMPACKER. That is much to the credit of the Navy, I think.

Mr. GROSVENOR. The imbecility of the enemy.

Mr. ROBERTS. I will ask the gentleman, if he believes that the Army and the Navy should have retirement and pensions on the ground of patriotism and chivalry, how can he refuse it to the men in the Revenue-Cutter Service, when the first gun in the civil war and the first gun at Manila were fired from revenue cutters?

Mr. CRUMPACKER. I do not know that that is at all significant in determining this question. As much and as splendid fighting was done on the part of the State militia during the civil war as was done on the part of any organization of equal force in the Army.

Mr. ROBERTS. They are getting their pensions.

Mr. CRUMPACKER. They are getting their pensions, and I will add that under the law officers and petty officers and seamen included in the Revenue Service get the same pensions that are given to the naval service where disability occurs in the performance of duty in time of war.

Now, I said a moment ago that this bill is entitled "A bill to promote the efficiency of the Revenue-Cutter Service." Let me ask a single man upon the floor in what respect it promotes the efficiency of the Revenue-Cutter Service except to dispose of a

few "barnacles," as they were designated by my friend from Pennsylvania [Mr. GRAHAM]. If longevity pay is necessary to promote the efficiency of the Revenue-Cutter Service, it is likewise necessary to promote the efficiency of the public service in all branches of the Administration. If it is necessary, and the argument is that it is necessary, to promote the efficiency, then it should be applied to promote the efficiency of the service in all the departments at Washington. What is there in the argument? Nothing at all. It is said that there ought to be some inducement to better service. Is not the hope of promotion inducement enough? I assume that with all the Revenue-Cutter officers the hope of promotion induces them to grow in efficiency.

Now, when a young man is appointed as a cadet in the Revenue-Cutter Service, and is commissioned after two years, he gets \$900 a year during his cadetship. Then he gets his commission, and at least \$1,200 a year, and he is quickly promoted. I think promotions come more quickly in the Revenue-Cutter Service than in the Army or Navy. The ways of life are open to the young man. A great many young men in the country—more than is required by the needs of this service—are willing to avoid the conflicts of civil life and forego its opportunities for achievement in order that they may provide a sure and comfortable support for themselves and families during life. When a man gets a commission in the Revenue-Cutter Service he is beyond want. His needs are provided for. His pay may not be as great as in some lines of service, but he gets a certainty. He gladly yields the broader opportunities and better privileges that civil life offers, with its chances of failure, for the certainty in this service. Does anybody claim that this service is not able to get all the efficient men that it requires under present conditions?

When was there a time in this country, except possibly under abnormal conditions, when there was not an abundance of cadets and an abundance of men in the country who were willing to go into the service and accept commissions and to perform all the arduous labors that gentlemen say belong to it. The pay that these men get is twice the pay that is given people for similar service in private life. When the bill is analyzed and looked into from all standpoints it does not possess sufficient merit to entitle it to a place in the permanent statutes of the country. There is some reason, I confess, in the argument of inequality; but I am not ready to admit that the Revenue-Cutter Service in dignity and responsibility occupies anything like the position that the Navy of the United States does. In addition to that, Mr. Chairman, this is an attempt to establish an independent naval establishment.

Mr. Long, the Secretary of the Navy, two years ago addressed a letter upon a similar bill to Senator HALE, in which he condemned the measure because he said it practically established an independent naval establishment, with its corps of officers and with its board of examination and all that sort of thing. He said the question is, Do we need any additional naval establishment; and if so, how many? The Army transport service of the United States is independent of the Navy to-day, operating a considerable line of ships officered by men who hold the commissions of the United States Army. The argument of Mr. Long against the passage of that bill is cogent, and applies with equal force to this. Let the Revenue-Cutter Service continue to be a branch of the civil service; let it continue to be under the control of the Secretary of the Treasury, to assist in enforcing the customs laws, to prevent the smuggling of goods into this country, and to continue to patrol the coast.

Occupying this subordinate position, it may continue to be liable to be detailed into the military service in time of war, and when called into that service its character is military. As a rule, its vessels are small. They do not engage in actual fighting. They perform the messenger service of the Navy during the war. The Revenue-Cutter boats are principally dispatch boats. Of course, in the execution of their work they must occasionally come into positions of danger; they must fight, and they do. Revenue cutters are officered and manned by American citizens, with American versatility and power to meet any emergency, to do anything that may confront them. Nevertheless this is a branch of the civil service.

To pass a measure of this kind is a dangerous step in the wrong direction. The fact that such a measure is proposed is one of the best illustrations I have seen of the grasping tendency of all branches of the public service to get more power, more pay, and more rank. I would like to know, in the name of justice and of the people, where this movement is going to stop. When this bill shall become a law, if it does pass, and when the Life-Saving Service comes knocking at the door of Congress, asking for more pay, asking for a retired list, asking for rank and position, how can we deny it? I think as much of the Life-Saving Service as of any other branch of the public service, and I consider it the poorest paid, in consideration of the hazards of the service, of any branch of the public service. The Light-House Service, with its boats

that may be detailed for public service in time of war, has performed efficient service in connection with the Navy. That branch of the service may next come asking Congress to organize it upon the same basis, upon the same plane, as the Revenue-Marine Service. And what answer will the gentlemen make to that request? How will they respond to a demand for the equality of that service with the Revenue-Marine?

[Here the hammer fell.]

Mr. SHERMAN. I yield five minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, this bill to promote the efficiency of the Revenue-Cutter Service provides in section 1 the grades in the service.

Section 2 provides for the rank of officers of the Revenue-Cutter Service with corresponding grades in the Army and Navy.

Section 3 provides for the compensation of the officers of the Revenue-Cutter Service, placing them on exactly the same level with officers of the Army and Navy, including the percentage of increase for length of service up to twenty years, or what is familiarly known as "longevity pay."

The remaining section provides for the retirement from active service of commissioned officers of the Revenue-Cutter Service who have or may become physically, mentally, or morally disqualified.

The following table will show the wide difference which exists in pay, while it also shows an unjustifiable discrimination against the officers of the Revenue-Cutter Service:

Difference in pay of officers, rank for rank, in the Army, Navy, and Revenue Cutter Service after twenty years of service.

Army.		Navy.		Revenue-Cutter Service.	
Rank.	Pay.	Rank.	Pay.	Rank.	Pay.
Majors.....	\$3,500	Lieutenant-commanders.	\$3,500	Captains.....	\$2,500
Captains.....	2,520	Lieutenants...	2,520	First lieutenants and chief engineers.	1,800
First lieutenants.	2,140	Lieutenants (junior).	2,140	Second lieutenants and first assistant engineers.	1,500
Second lieutenants.	2,000	Ensigns.....	2,000	Third lieutenants and second assistant engineers.	1,200

It is essential to the morale and efficiency of any service such as this that there should be some reward for length of service. In the Army, Navy, and Marine Corps this is given in the shape of an increase of compensation at the rate of 10 per cent for each five years of service up to twenty years, or 40 per cent. Why should not these officers, who are upon the same level in all things else, in life tenure of office, in general duties in peace and war times, etc., be denied this consideration?

There does not appear to be any valid reason why a body of officers who in every other respect serve upon a level with those of the Army and Navy should be denied equal compensation.

The Revenue-Cutter Service was organized in 1790, eight years prior to the organization of the Navy. It took an active part in the war of 1812, in the Mexican war, in the civil war, and in the war with Spain.

The service now consists of about 200 officers and 1,000 men with about 40 vessels armed with 70 guns. The vessels in the service have increased from sailing vessels of 100 tons to steamships of 1,000 tons burden. The duties of the service in time of peace consist in the enforcement of all laws of the United States affecting the maritime interest of the nation; the arrest and prevention of illicit traffic by sea; the navigation laws, compelling all kinds of craft navigating the waters of the United States to comply with legal requirements in regard to documents, lights, steamboat inspection, and passenger laws; the quarantine laws; the rescue and succor of distressed vessels and crews; the drill and discipline of the life-saving crews; the supervision of construction of life-saving stations, and the entire inspection work of that service, the supervision of anchorage grounds established by law, etc.

The duty performed in this service when rescuing crews of distressed vessels has been most important. It has been the saving of innumerable lives and of vast values in property. In the minority report upon this bill attention is called to the fact that these reports are not submitted in detail to Congress. They are submitted to the Secretary of the Treasury, and are on file in the Bureau subject to the inspection at any time of anybody who desires to see them.

Now, sir, in regard to the objection of some that this bill will tend to create a civil pension list, I wish to say that it will not create a civil pension list any more than the Navy or the Marine Corps has created a civil pension list.

Mr. Chairman, the military character of this was service offi-

cially stated by the Treasury Department in the report of the service in 1881, as follows:

The Revenue-Cutter Service, while charged by law with the performance of important civil duties, is essentially military in its character. Each vessel is provided with great guns and furnished with as full a complement of small arms for its crew as any ship of war. Its officers are required to be proficient in military drill and possess a thorough knowledge of the uses of both great and small arms. Its crews are required to be instructed from day to day at the great guns and in the use of small arms.

Commanding officers are required, while boarding vessels arriving in ports of the United States, in case of failure or refusal of any such vessel on being hailed to come to and submit to the proper inspection by an officer of the service, to fire first across her bows as a warning, and in case of persistent refusal to resort to shot or shell to compel obedience. In the performance of this work they are likely at any time to receive injuries and to be subjected to the same dangers in time of peace as the force employed on naval vessels.

By act of March 2, 1799, it is provided that the revenue cutters shall, whenever the President so directs, cooperate with the Navy.

The men of this service are commissioned and dismissed the same as they are in the Navy. The seamen are enlisted, uniformed, and drilled as in the Navy. The ships are armed as similar ships in the Navy, and in the Spanish war they carried 61 large guns. They are not civilians. The following quotation from the speech of Mr. Scudder, of New York, in the Fifty-sixth Congress, bears directly on this question, as follows:

It seems to have escaped general notice that the officers and men of the regular Revenue-Cutter Service can not volunteer, and therefore they are not volunteers. Second Lieut. Walker W. Joynes, Revenue-Cutter Service, has demonstrated this beyond a question of a doubt, having, in order to make a test case, applied for the two months' extra pay given to volunteers, he having served on the cutter *McCulloch* at the battle of Manila. His application was denied, and the Auditor for the Treasury Department and the Solicitor of the Treasury decided that—

"A regular officer or a regularly enlisted man of the regular Revenue-Cutter Service is not competent to volunteer in time of war, because it is just as much a part of his duty to serve as it is the duty of a regular officer or regularly enlisted man of the Army or Navy to serve in time of war."

Candidates for appointment as cadets must pass a very rigid examination and take a two years' training on board of the training ship *Chase*. They are instructed in seamanship, navigation, ordnance and gunnery, international law, and many other necessary subjects. This, Mr. Chairman, shows that the requirements and duties place this service upon the same plane as the Navy, and the pay and prospects should be the same. The passage of this bill, that has passed the Senate, will give to the men in this service the relief to which they are entitled.

Mr. Chairman, another matter that I wish to refer to at this time is in relation to the erection of a monument to the memory of Brig. Gen. Count Casimir Pulaski, as provided for in House bill 16, introduced by the gentleman from Indiana [Mr. BRICK].

Congress has caused to be erected in this city monuments to many of the heroes of the war of the Revolution, but up to the present time it has neglected to perpetuate the memory of Brig. Gen. Count Casimir Pulaski in like manner—a champion of liberty whose high-minded patriotism and distinguished services should be immortalized by the erection of such a memorial. The passage of this bill will also redeem the resolution of the Continental Congress, which body on November 29, 1779, upon receiving information of the death of General Pulaski, passed the following resolution:

Resolved, That a monument be erected to the memory of Brigadier-General Count Pulaski, and that a committee of three be appointed to bring in a resolution for that purpose.

The members chosen were Mr. Gerry, Mr. Livingston, and Mr. Harnett.

Count Casimir Pulaski was born in Poland in the year 1747 and enlisted at the age of 21 years, under the leadership of his father, to fight for the continuance of independence of Poland, but history tells us that they were unsuccessful, and when the American Congress adopted the Declaration of Independence he resolved to again enter the fight for freedom, though for a new nation, a new world. Our envoy to the court of France, Dr. Franklin, when writing of him to General Washington, said:

Count Pulaski, of Poland, an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country, will have the honor of delivering this into your hands. The court here have encouraged and promoted his voyage from an opinion that he may be highly useful in our service.

With this recommendation he was cordially received upon his arrival in Philadelphia in the summer of 1777.

His first blow for the freedom of the colonies was struck at the battle of Brandywine, being the first contest in which that other gallant patriot, Lafayette, took part. General Pulaski was, on the recommendation of Washington, commissioned brigadier-general and chief of dragoons in the United States Army September 15, 1777, being the first general of cavalry in the Army of the United States.

In a letter recently discovered by Col. Joseph Smolinski, dated Charleston, August 19, 1779, appears his declaration to become an American citizen. It is as follows:

I could not submit to stoop before the sovereigns of Europe, so I came to hazard all for the freedom of America, and desirous of passing the rest of my life in a country truly free and before settling as a citizen to fight for liberty.

In the leading events of the campaign following Pulaski occupied a distinguished position. For me to recite his services in detail would cause me to give a minute account of various battles, leading up to the time he received his death wound, while gallantly leading his cavalry at the siege of Savannah, October 9, 1779.

Of the character of Count Pulaski and the great events in his life, especially his invaluable service to America, that entitle him to be numbered among the heroes of America and to be perpetuated in the memory of the people for whom he sacrificed his life, and of the appreciation and high esteem in which his memory is cherished by those sons of Poland who have taken up their homes in this land, I give some of the statements made by Col. Joseph Smolinski, of Washington, D. C., before the Committee on the Library. Colonel Smolinski is the representative of the combined Polish-American societies, specially commissioned by them to assist in consummating the plan to erect this statue to the memory of Count Pulaski:

WASHINGTON, D. C., February 22, 1901.

Memorial of Gen. Count Casimir Pulaski, by Col. Joseph Smolinski, of Washington, D. C., representative of the Polish-American organizations in the United States in the Pulaski monument movement, etc.

No page of American history is so full of interest as the one which relates to the Revolutionary period. It gave birth to the highest ideals of patriotism, to the loftiest spirit of devotion to country, immortalized in a thousand glorious actions which constitute a common patrimony of the nation's proud inheritance.

When from the belfry of old Independence Hall Liberty Bell tolled the glad news which announced to the struggling colonists and proclaimed to the world the birth of a new republic with its civilization, democratic institutions, true liberty, and individuality of citizenship, there appeared on the political horizon, among the galaxy of heroes who left their impress upon time, three names which take high rank on the pages of contemporaneous history.

They stand out in bold relief in the Temple of Fame, and the glory which enshrines their memories will grow brighter and brighter as the years roll on. We refer with patriotic pride to the illustrious George Washington, the epitome of whose life is written in the significant and familiar legend: "Father of his country; first in war, first in peace, and first in the hearts of his countrymen." Next is the last general of the Polish Republic, Thaddeus Kosciuszko, whose life, indeed, was "poetry put into action," of whom the poet wrote at the sad hour of his death:

"Hope for a season bade the world farewell,
And Freedom shrieked as Kosciuszko fell."

And last, but not least, is the Phil Sheridan of the American cavalry, the brave Casimir Pulaski, who lost his life at the siege of Savannah. The last two warriors were the tried and trusted friends of the immortal Washington, their illustrious commander in chief. They were men of military genius, noble sons of the fair land of Poland, conspicuous exemplars of unswerving fidelity to principle, bright symbols of patriotism and patriotic endeavor, champions of universal freedom.

What greater gift can a people bequeath to a nation than monuments of art which not only symbolize heroic deeds and virtuous actions of great and good men and women, but as object lessons immortalize the achievements of true greatness, so that the generations as they come and go may draw inspiration from the glories of art which so eloquently tell the story of the lives of those whose heroism and virtues stimulate action and excite admiration?

If the assertion is true, who is more deserving of this degree of immortalization than Brig. Gen. Count Casimir Pulaski? The sentiment of appreciation of his worth and meritorious services was emphasized by the representatives of the Continental Congress, who were first to conceive the idea of erecting a monument to his memory. It originated during the stirring period of the war of the Revolution, of which he was one of the heroes and a martyr.

On the 29th of November, 1779, a letter, dated October 31 of that year, from Major-General Lincoln, was read in the Continental Congress. It inclosed a communication of the 5th, same month, from Lieutenant-Colonel Bedaux, of Pulaski's Legion, announcing the death of the last-named officer, whereupon Congress

Resolved, That a monument be erected to the memory of Brigadier Count Pulaski, and that a committee of three be appointed to bring in a resolution for that purpose.

"The members chosen: Mr. Gerry, Mr. Livingston, and Mr. Harnett." After a most careful research among the archives of the Continental Congress, I found no record whatever showing that the resolution was carried out, and consequently the stone of the then proposed monument remains in the quarry.

After the lapse of more than a century, with the record of a vote still standing on the pages of the Journals of the Continental Congress as a public recognition of the eminent services of our hero, as well as an indication of a Republic's forgetfulness, I will not say ingratitude, the Polish-American citizens of our land, who number nearly 3,000,000 of souls, desire and pray that this Congress, the first of the twentieth century, redeem the pledge promised by the Continental Congress, and thus give evidence of the nation's gratitude in appreciation of the meritorious services and noble character of Pulaski, who shed his blood in order that the infant Republic might live.

From out that galaxy of heroes who gave our nation an historic beginning at a momentous period of the world's history not excelled even by the Olympian memories of Pericles, who pictured in thundering eloquence Athenian patriotism, there is one among the many far-shining men, whose renown in valor and deeds is the record of a golden page of our national history, to which it has imparted dignity. This one man I single out as a foreigner by birth, a noble son of that most ancient nation—Poland; a stranger, if you please, but a dear brother by adoption, a veritable Bayard, "without fear and without reproach," a champion in the cause of the oppressed in the cause of freedom, a hero of liberty, nay, an American citizen, baptised in his own blood on the plains of Savannah while defending our beloved land against the enemy.

This proud warrior and hero of liberty gives us in his imperfect English the keynote of his lofty character. I quote from one of his unpublished letters to the Continental Congress, dated Charleston, August 19, 1779, read before that body October 1, 1779, in which also appears his declaration to become an American citizen:

"I could not submit to stoop before the sovereigns of Europe, so I came to hazard all for the freedom of America, desirous of passing the rest of my life in a country truly free, and before settling as a citizen to fight for liberty."

Then in an outburst of indignation at the intrigues and injustice operating in those days as well as our day, he continues:

"But perceiving that endeavors are used to disgust me against such a motive and to regard it as phantom, I am inclined to believe that enthusiasm for liberty is not the predominant virtue in America at this time."

And concludes thus:

"The campaign is at hand. Perhaps I may still have an occasion of showing that I am a friend to the cause without being happy enough to please some individuals." (Papers Continental Congress, No. 164, p. 108.)

It is in the revival of the recollections of what Pulaski did in the cause of freedom on two continents that we are stirred by a sense of deep gratitude and a loyal, patriotic appreciation, willing as lovers of liberty to give evidence of that inspiration born of his example, made holy by his death, in erecting to his memory a monument worthy of his name and fame; one that shall remain on our sacred soil in the nation's great capital, an object lesson, an educator, silent though it be, that shall cause his compatriots to love and cherish more and more as the generations go and come their obligations to this our beloved country, and by thus making them good citizens they will be better fortified and imbued with a proper spirit and a higher ideal of American citizenship against the demoralizing tendencies and pernicious influences of the present day.

Gentlemen, around this monument we pray you to erect, inspired by the fond memories that shall cluster around it like the ivy, there shall grow up that magnificent, ideal citizenship, second to none in the sum of national greatness, that shall insure the safety of the Republic and its perpetuity.

What claim has Pulaski to this recognition?

If, indeed, time lends importance to high station and emphasizes its consecration of heroes and heroic actions in the glories of art, surely the principles of right and justice which they upheld in former times will lose none of their force in the triumphant present.

Few names of the stirring period of the eighteenth century have come down to us with more dignity or clothed in greater attractive romance than the intrepid Lithuanian, Pulaski, who, like his illustrious compatriot and companion in arms, Kosciuszko, touches the tender chords of our sympathy.

Born in 1747, while yet a youth he pledged his life and fortune to liberate his country, both from the invader and the disturbing elements within, under the famous compact of the confederation of Barr, organized by his patriotic father, Count Pulaski, in 1768, who, together with another son, were lost in the great fight for Polish independence.

In the struggles which preceded the first partition of Poland, in 1772, he commanded in many actions and military operations against the flower of the Russian army. His wonderful endowments, skill, and intrepidity excited the admiration of Europe, and drew forth from the writers of the day such estimate of his worth as a soldier as is given in a letter to Washington dated Paris, June 13, 1777, which reads:

"Count Pulaski, who was a general of the Confederates in Poland, and who is gone to join you, is esteemed one of the greatest officers in Europe." (Diplomatic Correspondence of the Revolution, Wharton, vol. 2, p. 339.)

We all know the sad story of the downfall of ill-fated Poland, and we know, too, what herculean efforts Pulaski, Kosciuszko, and other brave companions in arms made to prevent the enactment of the saddest picture of time, that horrid scene, the crucifixion of Poland, the foulest blot on the world's civilization.

Noble Spartan, hopeful to the last that his country will again rise triumphant from the grave of oppression, he saw, like a bright vision from afar, the beautiful temple of liberty building on the Western Hemisphere. There, beneath the furls of our starry banner, his compatriots would find a home in a land of the free.

His generous impulse to serve the struggling colonists, his martial enthusiasm and love of liberty, are forcibly expressed in the following letter of Franklin, the accredited representative of the colonies to France, which resulted in Pulaski's admission to Washington's war councils in the days which tried men's souls:

"Count Pulaski, of Poland, an officer famous throughout Europe for his bravery and conduct in the defense of the liberties of his country against the three great invading powers of Russia, Austria, and Prussia, will have the honor of delivering this into your hands. The court here have encouraged and promoted this voyage, from an opinion that he may be highly useful in our service."

Briefly, in the summer of 1777 he arrived in Philadelphia, entered the service as a volunteer, served successively under Washington, Greene, Wayne, Sullivan, Lafayette, Lincoln, etc. At Brandywine, where the first blows for American independence were struck, his skill, endurance, and bravery were so marked that Washington intrusted him with the command of his body-guard during the close of that memorable action. A few days after the battle "the Father of his Country," in recommending our hero to Congress for appointment and commission as a brigadier-general, says:

"This gentleman has been, like us, engaged in defending the liberty and independence of his country, and has sacrificed his fortune to his zeal for these objects. He derives from hence a title to our respect that ought to operate in his favor as far as the good of the service will permit."

The record shows that Congress confirmed this recommendation, and on September 15, 1778, he was commissioned a brigadier-general and chief of dragoons in the United States Army, though but 30 years of age, having previously been designated as commander of an independent corps, known as the Pulaski Legion, March 28, 1778.

Furthermore, it was left to Pulaski, the father of American cavalry, to demonstrate the value of this arm of the military service, aptly called "the eye of the Army," which up to his coming the Lees, Sumters, Marions, and William Washington failed to show. None of the officers named held higher rank than that of colonel. Pulaski was the first general of cavalry in the American military establishment.

To follow this fearless cavalryman in his rides through the storms of battle from the Atlantic to the Gulf would occupy too much time.

American history, written by numerous versatile pens, contains graphic accounts of his brilliant services.

In conclusion, gentlemen, permit me to invite your attention to the last sad drama in his short but eventful life. It was while gallantly leading the combined American and French cavalry forces against the enemy he received his death wound at the siege of Savannah, Ga., October 9, 1779, and as he was borne from that memorable field moistened with his precious blood, turning to Light Horse Harry Lee, as that officer was familiarly called, he gave him, in feeble accents, this last command, "Follow my lancers, to whom I have given my order of attack," and on October 11, 1779, his spirit took its flight heavenward—called off duty forever.

His memorable charge is thus described by one of his staff officers, Major Rogowski:

For half an hour the guns roared and blood flowed abundantly. Seeing an opening between the enemy's works, Pulaski resolved, with his legion and a small detachment of Georgia cavalry, to charge through, enter the city, confuse the enemy, and cheer the inhabitants with good tidings. General Lincoln approved the daring plan. Imploring the help of the Almighty, Pulaski shouted to his men "Forward!" and we, 200 strong, rode at full speed after him, the earth resounding under the hoofs of our chargers.

For the first two moments all went well. We sped like knights into the peril. Just, however, as we passed the gap between the two batteries a cross fire, like a pouring shower, confused our ranks. I looked around. Oh! sad moment, ever to be remembered, Pulaski lies prostrate on the ground. I leaped toward him, thinking possibly his wound was not dangerous, but a

canister shot had pierced his thigh and the blood was also flowing from his breast, probably from a second wound. Falling on my knees I tried to raise him. He said, in a faint voice, "Jesus! Maria! Joseph!" Further I knew not, for at that moment a musket ball, grazing my scalp, blinded me with blood, and I fell to the ground in a state of insensibility.

He was borne from the bloody field, and, after the conflict was over, was conveyed on board the U. S. brig *Wasp*, to go round to Charleston. The ship, delayed by head winds, remained several days in Savannah River, and during this period he was attended by the most skillful surgeons in the French fleet. It was found impossible to establish suppuration, and gangrene supervened. As the *Wasp* was leaving the river, Pulaski breathed his last. His corpse became so offensive that Colonel Bentalou, his officer in attendance, "was compelled, though reluctantly, to consign to a watery grave all that was now left upon earth of his beloved and honored commander."

Gentlemen, it is to the memory of this great and good man—a fearless soldier, a hero of the war of the Revolution, entitled to the proud distinction of being numbered among the founders of our Republic, an exemplar of patriotism, a champion of liberty, of whom Washington said, "His valor and active zeal on all occasions have done him great honor"—that we Polish-American citizens—I should say American citizens—pray you to immortalize by erecting to his memory a monument of American art which shall stand out in bold relief as the noblest expression of a people's heartfelt gratitude. Thus, too, will this monument, like all others, serve the office of history by endearing in the hearts and minds of generations yet unborn the memories which cluster around the great Revolutionary struggle for liberty, and instill a better appreciation of the sacrifices made by the patriots of 1776, whose heroism we must admire if we can not imitate.

It is designed that this statue, as a work of art, shall emanate from this country. We are treating General Pulaski as an American citizen, which he was, while honoring a hero of liberty who fought on two continents for human freedom.

We believe that this great desire expressed by organized effort to erect a monument to the memory of Pulaski will have a very beneficial effect upon the Poles of this country; we believe it will attach them more dearly to our flag, and as they seem to have an almost idolatrous love for heroism and heroes, and as Pulaski was one of our great Revolutionary characters, we think this monument will have that great tendency.

It will do more than this by emphasizing our appreciation of the inestimable blessings we as a people enjoy as a result of sacrifices made and victories won by the patriots of 1776. To keep alive the memory of heroes through whose sacrifices deliverance came and freedom was made possible, we must not forget the debt of gratitude we owe to the foreigners who so generously aided the immortal Washington in establishing our great Republic.

Let us, then, erect a monument of granite and bronze that shall perpetuate the memory of the heroic dead, Pulaski, who—

"In the thickest fight triumphantly he fell,
While into victory's arms he led us on;
A death so glorious our grief should quell;
We mourn him, yet his battle crown is won."

Liberty was the goal, the price of which was his precious life, and our gratitude should be commensurate with the share of glory that attaches to his noble sacrifice.

It is to perpetuate the memory of this great soldier and hero of the Revolution, of this champion of liberty, by erecting to his memory a monument that I urge the passage of this bill. He fought and died for American independence, he knew the value of freedom. All that was near and dear to him was sacrificed in the struggle against the partition of his native land, his father killed, his country's political existence taken from her, his countrymen coerced or driven into exile; but while a ray of hope remained he fought for Poland, but the combined power of three mighty nations overcame and crushed a patriotic people, and Poland fell. Banished from his native land to seek a home among strangers, it is not to be wondered at that while in France in 1777, his sympathy was at once enlisted with the American colonists, who had declared their independence. He beheld in this effort to throw off the yoke of oppression a struggle like that his country had recently been engaged in. The spirit of liberty for which he had lost everything prompted him to join the forces of those who in the New World had pledged to each other their life and honor to maintain. He came here to prepare a place for the liberty-loving people of his country and to lay the foundation of a country whose people are not only free, but who allow naturalization to all who desire to be.

He laid down his life to secure for the United States the end he had hoped to attain for his own country.

In several instances Washington commended his distinguished services, and always relied on his judgment, bravery, and fidelity to the cause of American independence.

Pulaski was true to his native land, true to the land of his adoption, true to the cause of liberty and freedom, and the people of this country should pay, without further delay, the debt they owe this hero of the American Revolution.

This legislation is urged by over 2,000,000 sons and daughters of Poland who in this country cherish the name of Pulaski. I have received petitions urgently requesting the passage of this bill from over 30 organizations of the Polish National Alliance and several other organizations of citizens of Polish birth or descent, who represent upward of 60,000 of the population of Buffalo, N. Y., the city I have the honor, in part, to represent.

The Committee on the Library of this House, through its chairman, Mr. McCLEARY, favorably reported a similar bill to appropriate \$50,000 for the erection of an equestrian statue to the memory of Brig. Gen. Count Casimir Pulaski in the Fifty-sixth Congress.

I hope that now the pledge of the Continental Congress will be redeemed and that the nation will pass this bill and erect a statue to the honor of this great soldier.

Mr. SHERMAN. I yield five minutes to the gentleman from New York [Mr. LESSLER].

Mr. LESSLER. Mr. Chairman, when on the 15th of January last I was sworn in as a member of this House, I was asked, almost on that very day, to appear before the committee having this bill in charge, to say a few words in its favor. I demurred because, to be very frank, I had imagined that what is commonly known as the Revenue-Cutter Service was a matter relating mainly to the steamboats or ships plying up and down New York Bay. I soon found that there was in other quarters the same general ignorance of what this service is. It was then impressed upon me that in all probability, in my Congressional district, there were more ships and more men connected with this service than I had had any conception of; and hence I felt that if, after examining the matter, I should find this to be a meritorious proposition, it was almost my duty to appear before the committee in its support.

I looked up the subject. I found that this service had a history extending away back. I found that it had a complete set of regulations extending away back. I found that it had a school-ship, requiring a corps of highly qualified officers for its direction and management. I found that it had seamen receiving salaries commensurate with those paid to seamen in the Navy. I found that it had officers whom the Government required to be men of education, to wear clothes of a certain stamp, to support themselves as gentlemen in a way befitting officers of such a branch of the Government.

The day I appeared before that committee there was taken up a bill which was to give to some of the officers of the Revenue-Cutter Service the thanks of Congress for heroic work performed by them. The men representing the service before the committee had traveled a considerable distance to appear there and tell of the heroism of an officer, a physician, a private, and a seaman of that service in rescuing some men who were serving in the Arctic Zone. It seemed to me that was a pleasant prelude to the plea I had to make before that committee; and it seems to me now, without going into the technicalities of the bill, that any measure which promotes a morale among men, which gives them the idea that this Government does look after them in their old age, that this Government has an eye to their future, that this Government has a proper sense of the eternal fitness of good work and good deeds—that such a measure is calculated to promote the efficiency of any service; and when the day shall come that we have to meet the question of a civil-service pension for the railway mail clerk or any other clerk we shall meet it on the floor of this House with no fear for the future.

These gentlemen who are so startled for the to-morrow of legislation should leave that to-morrow to the men who may be their successors in this House. The distinguished gentleman—and I use that term in return for the courtesy of the term extended to me—referred to me in his minority report and to a statement which I made. I made the statement before the committee that I was informed that this Government printed a book, and that that book had the pictures of uniforms; that it laid down regulations; that it said how many bars and buttons and stripes and everything else a revenue officer should wear, and, further, that I had been informed that one of these men, out of his salary, had to pay \$600 because this Government required him to wear a certain uniform. The gentleman, with that insouciance of temperament which so aptly fits him, refers to me as one of the distinguished gentlemen who brought this business to his attention, and declares that that is his idea of the flunkysm—and, by the way, that is a new phrase, as I understand—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. I yield two more minutes to the gentleman from New York.

Mr. LESSLER. He declares that that is his idea of the flunkysm that attaches to the service. He admits that the Revenue-Cutter officer has to pay for the uniform, but he did not get up and howl in his minority report about the Government requiring him to do it. It would be a very great delight to me at least to have time enough to analyze the speech that was made opposing this bill.

It wanders off into everything that appertains to this bill—not. [Laughter.] It goes to every other line of service to draw a parallel; but I want to put before this House its main feature, and that is that here is a body of men who work three hundred and sixty-five days in the year, who, because of the very fact of the small boats that the gentleman refers to, take their lives in their hands, when the men of the Navy are over on the other side and all over the rest of the world on good decks, in good ships, and they are not required to brave in times of peace, of hard weather and good weather, day in and day out, the dangers of the sea, trying to earn their money and doing men's duty in men's positions. If these positions in the Revenue-Cutter Service are not for men, then let the Government so declare. Being for men, let us put them where we have put other men and increase by this bill the efficiency of the Revenue-Cutter Service. [Applause.]

Mr. SHERMAN. Will the gentleman from Illinois use some time now?

Mr. MANN. If the gentleman desires me to, I will.

Mr. SHERMAN. I have no one else to yield to this minute.

Mr. RYAN. I will say to my colleague on the committee [Mr. SHERMAN] that my colleague from New York [Mr. GOLDFOGLE] is ready to go on for five minutes.

Mr. SHERMAN. Very well; I will yield five minutes to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Chairman, this is a meritorious measure, and deserves the favorable consideration of this House. By their fidelity to service, their loyal and patriotic devotion to duty, their valiant service in times of war, their heroic conduct in the battles which were fought on sea in defense of our country and our flag, their efficient work in times of peace, the Revenue-Cutter Service has merited the commendation of the Government, and deserves the recognition which this bill proposes to give it. It deserves to be placed, so far as rank and retirement are concerned, on a parity with the Navy of the United States.

The Revenue-Cutter Service has a magnificent history. It antedates that of the regular Navy. It was organized in 1790, and in every war our country fought since that time its men have rendered brave and heroic service. They helped to fight the battles of 1812, the Mexican war, the war of the rebellion, and the recent war with Spain. They have in times of war been an efficient aid to the Navy, and in many instances their heroism was surprising and commands our admiration. Examine the record of this service and you will find that in whatever naval combat its men were called into requisition, or in whatever conflict they took a part, the gallantry of the officers and the men, the daring and the courage of the Revenue-Cutter Service were equal to and unexcelled by the Navy itself.

In the war with Spain the Revenue-Cutter Service took an active and distinguished part. Thirteen revenue cutters, carrying 61 guns, 98 officers, and 562 men, rendered efficient aid to our Navy. In the famous battle of Manila the *McCulloch* was assigned to duty by Admiral Dewey, and when the victory was won, which sent a thrill of joy through every American heart and gladdened the soul of every American freeman, it was the *McCulloch* that carried to Hongkong the dispatches announcing to the world our national triumph, and Admiral Dewey in his dispatch to the Secretary of the Navy commends the *McCulloch* as a valuable auxiliary to the naval squadron.

Side by side with the naval torpedo boat *Winslow* the revenue cutter *Hudson* fought the battle of Cardenas, and the *Windom*, of the Revenue-Cutter Service, demolished the light-house and destroyed the rendezvous of the Spanish troops at Cienfuegos. Nor must it be overlooked that the *Manning* rendered such splendid aid in many engagements with the foe that the officers of the Navy officially commended the zeal and meritorious service of these revenue-cutter men.

But it is needless to multiply the instances in which the Revenue-Cutter Service helped to win the battles or attain the achievements which now has made this country a world power. The report of the committee contains the facts which show what admirable and efficient work was done by this service during the war, how this service received the praise of the officers of the Navy and of the Navy Department itself, how much is due to this Revenue-Cutter Service for aiding the naval vessels and the naval forces in accomplishing the victories which have contributed so much to make this country the greatest and most glorious on earth. [Applause.]

In time of peace the men of this service are constantly at work. When the officers of the Navy are either in foreign or domestic ports enjoying their ease and comfort, and enjoying their social life, and engaging in their social functions, the Revenue-Cutter Service are daily performing active work in the interest of the Government. Class them as you will, after all they are the coast-wise navy. It is the coast which in times of peace, as well as in war, the Revenue-Cutter Service must protect and guard and police. The Senate Committee on Commerce have well stated the status of the Revenue-Cutter Service in these words:

The military character of the Revenue-Cutter Service was officially stated by the Treasury Department in the report of the service in 1881, as follows: "The Revenue-Cutter Service, while charged by law with the performance of important civil duties, is essentially military in its character. Each vessel is provided with great guns and furnished with as full a complement of small arms for its crew as any ship of war. Its officers are required to be proficient in military drill and possess a thorough knowledge of the uses of both great and small arms.

"Its crews are required to be instructed from day to day at the great guns and in the use of small arms. Commanding officers are required, while boarding vessels arriving in ports of the United States, in case of failure or refusal of any such vessel on being hailed to come to and submit to the proper inspection by an officer of the service, to fire first across her bows as a warning, and in case of persistent refusal to resort to shot or shell to compel obedience. In the performance of this work they are likely at any time to receive injuries and to be subjected to the same dangers in time of peace as the force employed on naval vessels.

"By act of March 2, 1790, it is provided that the revenue cutters shall, whenever the President so directs, cooperate with the Navy. It will be observed that the cooperation of the two services prescribed in the act above quoted is not contingent upon a state of war or other particularly perilous

conditions. On the contrary, it may take place in time of peace, and for specific purposes and when less hazard is involved to the two services than pertains to the discharge of a revenue vessel of its ordinary duties.

"But if in legal theory they are civil employees, are they so in fact? Are they less positively a part of the military force in time of war than the Army or Navy? It is true that revenue vessels are not to be ordered into action on purely military service, offensive or defensive, except the President so directs; neither are the vessels of the Navy."

It is not my purpose to dwell on the many and varied duties which the law requires of the revenue service. It aids in the protection of the revenue; it assists in the enforcement of the revenue and the maritime laws; it helps in the enforcement of quarantine regulations; it is called into requisition to see to the enforcement of the neutrality laws; it assists in carrying out the navigation laws of the Government.

For the men of this service there is no vacation, no ease, no comfort, no special social distinction, no such distinction as seems to have been accorded to the American Navy. But they are men of nautical skill, of excellent discipline, of fine intelligence, and ought to take rank with the naval service. It is unfair that they should be discriminated against. By their conduct in times of peace as well as in war they have earned the right to be placed on an equality with the Navy so far as to give them rank and the right to be placed on retired lists.

Whatever opinion I may hold as to whether there ever should have been such a thing as a retired list for either Army or Navy, the fact remains that such a list exists. So long as it does, give to the men whose bravery, and courage, and heroism is as great as that of any man who ever trod the deck of man-of-war the same rights as to rank and retirement as the law accords to the Navy now. To do less is an injustice to this splendid service. Give them the recognition which is their due, for they deserve the benefits this bill would confer.

I believe this will promote the efficiency of the Revenue-Cutter Service. I am not one of those who fear that this bill is but the entering wedge to a place on the civil-pension list. Whenever the time comes that a demand is made to pension the men of the Revenue-Cutter Service, it will be time enough to discuss that proposition.

It is not before us now. When it comes, if it ever shall, there will be enough courage displayed by this House to meet that question properly and in the interest of the people. I shall vote for this bill as it is now framed because, in my judgment, it is just and right to the men and, above all, because I believe it will raise the standard of the service and promote its efficiency.

For what this Revenue-Cutter Service has done in times of war; for what, judging by its brilliant record, it is ready to do again should the safety of our country require or our national honor or our flag be again assailed; for what the service is doing in times of peace in effectively aiding, amid frequent danger and discomfort, in the execution and enforcement of the maritime and revenue laws; because I believe that while the Cutter Service is, after all, in a practical, though not in a legal, sense a part of the military force of this country; because I am opposed to unjust discrimination against the men of this service, whose discipline, whose training, whose proficiency in the practical use of arms entitles them to take a place side by side with the men of our American Navy, I earnestly trust that the bill will pass. [Applause.]

Mr. SHERMAN. I should like to know what time is now remaining to the two sides?

The CHAIRMAN. One hour and thirteen minutes remain to the gentleman from New York, and one hour and twenty-one minutes to the gentleman from Illinois [Mr. MANN].

Mr. SHERMAN. I understand that the gentleman from Illinois [Mr. MANN] does not care to occupy any more time this evening.

Mr. MANN. I should prefer not to.

Mr. SHERMAN. Then I move that the committee rise, Mr. Chairman.

The motion was agreed to.

The committee accordingly rose; and Mr. MOODY of Massachusetts having taken the chair as Speaker pro tempore, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service, and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 11418. An act granting an increase of pension to Hannah T. Knowles;

H. R. 12315. An act granting an increase of pension to James Todd;

H. R. 10486. An act granting a pension to Alida Payne; and

H. R. 2273. An act granting a pension to Martha A. De Lamater.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and the following Senate concurrent resolution were taken from Speaker's table and referred to their appropriate committees, as indicated below:

S. 4872. An act to amend an act entitled "An act governing the public printing and binding and the distribution of public documents," approved January 12, 1895—to the Committee on Printing.

Senate concurrent resolution 33:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 6,000 copies of the revised course of study for Indian schools, 1,500 for the use of the Senate, 3,000 for the use of the House of Representatives, and 1,500 for the use of the Superintendent of Indian Schools—

to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WARNOCK for one week, on account of important business.

And then, on motion of Mr. SHERMAN (at 4 o'clock and 50 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an additional estimate of appropriation for armament of fortifications—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ADAMS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 84) to increase the efficiency of the foreign service of the United States and to provide for the reorganization of the consular service, reported the same with amendments, accompanied by a report (No. 1313); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12536) to further amend section 2399 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 1314); which said bill and report were referred to the House Calendar.

Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2442) confirming title to the State of Nebraska of certain selected indemnity school lands, reported the same without amendment, accompanied by a report (No. 1315); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 306) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation, reported the same with amendment, accompanied by a report (No. 1316); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1892) to provide for the construction of a revenue cutter for services at the port of Philadelphia, Pa., reported the same without amendment, accompanied by a report (No. 1317); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TIRRELL, from the Committee on Education, to which was referred the bill of the House (H. R. 18) to provide for the education of the blind, etc., reported the same with amendments, accompanied by a report (No. 1318); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TOMPKINS of Ohio, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes, reported the same with amendment, accompanied by a report (No. 1319); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the clerk, and referred to the Committee of the Whole House, as follows:

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House H. R. 8265, reported in lieu thereof a resolution (H. Res. 197) referring to the Court of Claims the papers in the case of Mrs. E. Taylor, accompanied by a report (No. 1310); which said resolution and report were referred to the Private Calendar.

Mr. KYLE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1726) for the relief of the Merritt & Chapman Derrick and Wrecking Company, reported the same without amendment, accompanied by a report (No. 1311); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13223) for the relief of Mary E. O. Dashiell, reported the same without amendment, accompanied by a report (No. 1312); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the bill (H. R. 8246) for the relief of George H. Mellen, deceased, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PATTERSON of Tennessee: A bill (H. R. 13285) to abolish slavery in the Philippine Archipelago, and for other purposes—to the Committee on Insular Affairs.

By Mr. WOODS: A bill (H. R. 13286) to amend sections 2 and 3 of an act entitled "An act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from the State courts, and for other purposes," approved March 3, 1875, as the same is amended by an act approved March 3, 1887, as amended by an act approved August 13, 1888—to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 13287) to incorporate the Columbia Heat and Power Company of the District of Columbia, and to manufacture gas for heat and power purposes, to construct, maintain, and operate gas-manufacturing plants, and to lay necessary street mains and connections for the distribution of gas for heat and power purposes throughout the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOON: A bill (H. R. 13288) to authorize the construction of a bridge across the Tennessee River in Marion County, Tenn.—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS: A resolution (H. Res. 198) to provide a rule for the consideration of H. R. 84—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 13289) granting a pension to Henry D. Smith—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 13290) granting an increase of pension to Daniel W. Ellis, Company B, Thirteenth Tennessee Cavalry—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 13291) granting an increase of pension to Thomas McDonald—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 13292) for the relief of Samuel Robbins—to the Committee on Claims.

By Mr. COONEY: A bill (H. R. 13293) granting a pension to George W. Chapman—to the Committee on Invalid Pensions.

By Mr. CORLISS: A bill (H. R. 13294) to correct the military record of name, and so forth, of John Dorsey—to the Committee on Military Affairs.

By Mr. DAVIS of Florida: A bill (H. R. 13295) for the relief of John McGovern—to the Committee on War Claims.

By Mr. DRAPER: A bill (H. R. 13296) granting an increase of pension to Francis Scott—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 13297) granting a pension to Martin Greeley—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 13298) granting a pension to James L. Swann—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 13299) for the relief of John S. Williford—to the Committee on Claims.

By Mr. JACKSON of Kansas: A bill (H. R. 13300) granting an increase of pension to Martin Boyer—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 13301) for the relief of Benjamin T. Hooper and Marcellus Aaron—to the Committee on War Claims.

Also, a bill (H. R. 13302) granting a pension to John W. Parsons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13303) construing discharges of members of Company A, First Maryland Eastern Shore Volunteers, as honorable—to the Committee on Military Affairs.

By Mr. KYLE: A bill (H. R. 13304) for the relief of John P. Hilliard—to the Committee on War Claims.

Also, a bill (H. R. 13305) for the relief of Charles B. Fletcher—to the Committee on War Claims.

Also, a bill (H. R. 13306) for the relief of James O. Minton—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 13307) for the relief of Valdemar Poulsen—to the Committee on Patents.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 13308) granting an increase of pension to John T. Boyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13309) granting an increase of pension to Charles H. Hazzard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13310) granting a pension to Anna McGowan—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 13311) for the relief of Jane Brewer, widow of Jacob H. Brewer, of Washington County, Md.—to the Committee on War Claims.

Also, a bill (H. R. 13312) for the relief of George W. Dant—to the Committee on Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13313) for the relief of the trustees of the Methodist Episcopal Church South, at Bellefonte, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 13314) for the relief of the trustees of the Cumberland Presbyterian Church, at Bellefonte, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 13315) for the relief of M. H. Carr—to the Committee on War Claims.

By Mr. SHALLENBERGER: A bill (H. R. 13316) granting an increase of pension to Benjamin F. Olcott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13317) granting an increase of pension to Albert G. Dole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13318) granting an increase of pension to Fergus P. McMillan—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13319) for the relief of W. M. Quinn and George L. Long—to the Committee on Claims.

By Mr. STARK: A bill (H. R. 13320) granting an increase of pension to Charles E. Simmons—to the Committee on Invalid Pensions.

By Mr. WOODS: A bill (H. R. 13321) granting an increase of pension to John S. Bonham—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Nebraska: A bill (H. R. 13322) granting a pension to George W. Sutton—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 13323) granting an increase of pension to Mary E. Barger—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13324) granting an increase of pension to John J. Cross—to the Committee on Invalid Pensions.

By Mr. KEHOE, from the Committee on War Claims: A resolution (H. Res. 197, in lieu of H. R. 8265) referring to the Court of Claims the claim of Mrs. E. Taylor—to the Private Calendar.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of Shirt Waist and Laundry Workers' Union No. 10, Philadelphia, Pa., for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BALL of Delaware: Petition of Bower Glaziers' Union of Wilmington, Del., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BELL: Petition of congregation of East Second Street Methodist Episcopal Church South, of Denver, Colo., favoring an amendment to the Constitution to prevent polygamy, and in favor of all antisaloon and antice legislation for the Philippines—to the Committee on the Judiciary.

Also, petition of Stanton Post, No. 37, Grand Army of the Republic, of Colorado and Wyoming, for investigation of the Bureau of Pensions—to the Committee on Rules.

Also, resolutions of Delta State Bank, of Delta, Colo., favoring

a reduction of letter postage—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Mill and Smeltermen's Union No. 92, of Gillett, Colo., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. BROWNLOW: Petition of citizens of Elizabethton, Tenn., on the subject of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURK of Pennsylvania: Petition of Naval Command No. 1, Camp No. 91, Spanish-American War Veterans, Philadelphia, Pa., favoring the passage of Senate bill 1220—to the Committee on Military Affairs.

By Mr. CORLISS: Paper to accompany House bill to amend the military record of John Dorsey—to the Committee on Military Affairs.

By Mr. DARRAGH: Papers to accompany House bill 10869, granting an increase of pension to Michael K. Strayer—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the National Hay Association, Winchester, Ind., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Massachusetts: Resolutions of Bricklayers and Plasterers' Union No. 39, of New Bedford, Mass., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of same organization, favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Resolutions of Pomona Grange, No. 9, Fairfield County, Conn., favoring House bill 6578, to improve postal facilities—to the Committee on the Post-Office and Post-Roads.

By Mr. JACKSON of Maryland: Petition of Marcellus Aaron and Benjamin T. Hooper, heirs at law of Abram Mister, concerning loss of schooner *Chesapeake*—to the Committee on War Claims.

By Mr. KERN: Resolutions of Green Hide Workers' Union No. 147; Division No. 49, Locomotive Engineers; Lodge No. 545, Railroad Trainmen; Division No. 386, Railway Conductors, and Painters and Paper Hangers' Union No. 215, all of East St. Louis, Ill.; Bakers and Confectioners' Union No. 69; Bricklayers' Union No. 21; Iron Molders' Union No. 182; Glass Bottle Blowers' Union No. 23, and Team Drivers' Union No. 50, all of Belleville, Ill.; Coopers' Union No. 53, of New Athens, Ill.; Bricklayers' Union No. 35, of Centralia, Ill.; Federation of Labor of Lebanon, and Carpenters and Joiners' Union of Percy, Ill., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LAMB: Resolutions of the Central Labor Union of Norfolk, Va., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. LESSLER: Resolutions of the Lighting Fixture Association of New York, protesting against the ratification of the French reciprocity treaty—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of American Council, No. 67, Junior Order United American Mechanics, Brooklyn, N. Y., in favor of Senate bill 1891 and the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. MUTCHLER: Petition of Onoko Division, No. 257, Locomotive Engineers, Mauchunk, Pa., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

Also, resolutions of Nathaniel Lyon Circle, No. 106, Ladies of Grand Army of the Republic, South Bethlehem, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy and increasing widows' pensions—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Evidence in support of House bill 12519, granting a pension to Hugh McFadden—to the Committee on Invalid Pensions.

By Mr. PALMER: Petition of Salem Grange, No. 291, Patrons of Husbandry, Beach Haven, Pa., protesting against the irrigation of arid lands of the West—to the Committee on Irrigation of Arid Lands.

By Mr. PATTERSON of Pennsylvania: Papers to accompany House bill 11937 for the relief of Mrs. George Dalton—to the Committee on War Claims.

Also, papers to accompany House bill 12970, granting a pension to Frederick Dutrer—to the Committee on Invalid Pensions.

Also, resolution of General Doubleday Post, No. 189, Grand Army of the Republic, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. RAY of New York: Resolution of Independent Division, No. 374, Railway Conductors, Elmira, N. Y., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolutions of the same body, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill 13315, for the relief of M. H. Carr—to the Committee on War Claims.

Also, paper to accompany House bill 13313, for the relief of the trustees of the Methodist Episcopal Church South at Bellefonte, Ala.—to the Committee on War Claims.

Also, paper to accompany House bill 13314, for the relief of the trustees of the Cumberland Presbyterian Church at Bellefonte, Ala.—to the Committee on War Claims.

By Mr. RUCKER: Resolutions of Brotherhood of Locomotive Firemen No. 54, Moberly, Mo., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. RYAN: Resolutions of Retail Clerks' Union No. 212, and Brewery Engineers and Firemen's Union No. 80, Buffalo, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolution of Pattern Makers' Association, Buffalo, N. Y., favoring House bill 9053, to enforce the law of domicile—to the Committee on Labor.

By Mr. SPERRY: Resolution of Polish Society of Meriden, Conn., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. SULLOWAY: Petitions of Woman's Christian Temperance Unions of Charlestown, Swiftwater, Farmington, and Exeter, N. H., favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

By Mr. YOUNG: Resolution of Carpenters' Union No. 463, Flint Glass Workers' Union No. 19, and Chartered Society of Lace Curtain Operatives, Philadelphia, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, April 3, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will be approved.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of Muncie Lodge, No. 20, Amalgamated Association of Iron, Steel, and Tin Workers, of Muncie, Ind., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented petitions of the Dairymen's Mutual Association of Evansville, and of Burnell Smith and sundry other citizens of Mongu, in the State of Indiana, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented memorials of Cigar Makers' Local Union No. 204, of New Albany; of Cigar Makers' Local Union No. 335, of Hammond, and of Cigar Makers' Local Union No. 382, of Rushville, all in the State of Indiana, remonstrating against the reduction of the present duty on cigars imported from Cuba; which were referred to the Committee on Finance.

He also presented a petition of Jones-Darling Camp, No. 186, National Association of Spanish-American War Veterans, of Elkhart, Ind., praying for the enactment of legislation to prevent the desecration of the American flag; which was referred to the Committee on Military Affairs.

He also presented a petition of the Flint & Walling Manufacturing Company, of Kendallville, Ind., praying for the enactment of legislation providing for a reorganization of the consular service of the United States; which was ordered to lie on the table.

He also presented a memorial of the Chandler & Taylor Company, of Indianapolis, Ind., remonstrating against the enactment of legislation providing for the adoption of the so-called metric system of weights and measures to the exclusion of the present standard; which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented petitions of General Lawton Herd, No. 5, Noble Order of Buffaloes, of Fairmount; of Frank L. Littleton and 750 members of the League of American Sportsmen, of Indianapolis, and of Z. T. Sweeny, of Columbus, all in the State of Indiana, praying for the enactment of legislation providing for

the protection of the birds and wild animals of the country; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petitions of S. M. Keltner, of Anderson; of Bert A. Beidler, of Auburn; of H. N. Spaan, of Indianapolis, and of A. A. Tripp, of North Vernon, all in the State of Indiana, praying for the enactment of legislation providing for the protection of game in Alaska; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Bricklayers' Local Union No. 12, of Marion; of Typographical Union No. 1, of Indianapolis; of Retail Clerks' Local Union No. 291, of Dunkirk; of Carpenters and Joiners' Local Union No. 431, of Brazil; of Carpenters and Joiners' Local Union No. 533, of Jeffersonville; of Bakers and Confectioners' Local Union No. 195, of Anderson; of Stone Masons' Local Union No. 21, of Marion; of Veedersburg Local Union, No. 71, of Veedersburg; of Bricklayers' Local Union No. 8, of Anderson; of Typographical Union No. 332, of Muncie; of Stone Masons' Local Union No. 27, of Wabash; of Typographical Union No. 287, of Frankfort; of Hoosier Lodge, No. 582, Brotherhood of Locomotive Firemen, of Richmond; of Cigar Makers' Local Union No. 382, of Rushville; of Typographical Union No. 76, of Terre Haute, and of Local Union No. 159, of Marion, all in the State of Indiana, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. CLAPP presented a petition of M. Clancy Division, No. 360, Order of Railway Conductors, of Two Harbors, Minn., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. DRYDEN presented memorials of sundry citizens of Paterson, Jersey City, Trenton, Harrison, Camden, Newark, and Hoboken, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine, and praying for the passage of the so-called Wadsworth substitute; which were ordered to lie on the table.

He also presented the petition of William Fitz Randolph, of Newmarket, N. J., and the petition of C. L. Beach, of Newark, N. J., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented memorials of S. Scheurer & Co., of Paterson; of Dr. W. Thum, of Newark; of Benjamin D. Van Beusen, of Hoboken; of Dr. Francis H. Munroe, of Newark; of G. H. White, of Jersey City; of Ammon & Person, of Jersey City; of the Melting and Churning Company, of Hoboken; of F. Gunther, of Hoboken; of J. M. Jurgansen, of Hoboken; of L. Schuchmen, of Jersey City; of Dr. Ferdinand Sanes, of Jersey City; of J. G. Patton, of Paterson; of Dr. A. R. Judson, of Newport; of Dr. W. J. Burd, of Belvidere; of Dr. D. F. Cartell, of Jersey City; of Mrs. P. J. Klahr, of Jersey City; of M. W. Hull, of Jersey City; of Dr. J. J. Bauman, of Jersey City; of John Thompson, of Jersey City; of Dr. L. B. Parsell, of Closter; of Dr. A. Topfer, of Jersey City; of Edgar Williams, of Orange; of G. W. Ross, of Jersey City; of John R. Hennessey & Co., of Jersey City; of Beach Bros., of Jersey City; of Harry S. Ford, of Pensauken; of J. F. Hussey, of Paterson; of E. W. L. Dowling, of Jersey City, and of Thomas E. Smith, of Jersey City, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. GAMBLE presented a petition of Lead City Miners' Union, of Lead City, S. Dak., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. KEAN presented petitions of W. J. Henshaw, of Chicago, Ill.; of R. B. Harrison, of Chesterfield; of Jacob W. Edwards, of Long Branch; of Dr. Edgar Roberts, of Keyport; of Macy Carhart, of Keyport; of E. G. Gill, of Haddonfield; of the Hildebrand Company, of Elizabeth; of William Howard, of Rahway; of Herman J. Lohmann, of Jersey City, and of Friesburg Grange, Patrons of Husbandry, of Cohansey, all in the State of New Jersey, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented memorials of the S. B. Ellis Company, of Jersey City; of Dr. Norton L. Wilson, of Elizabeth; of Dr. E. B. Silvers, of Rahway; of George Froggott, of Elizabeth; of E. S. E. Newbury, of Elizabeth; of William Meyer, of Elizabeth; of S. A. Poppenga, of Elizabeth; of J. W. Orr, of Elizabethport; of William Kilby, of Elizabethport; of M. E. Connor, of Elizabethport; of Walsh & Redhead, of Elizabethport; of M. Lange & Sons, of Elizabethport; of Charles G. Dow, of Elizabeth; of Moses Mendel, jr., of Elizabeth; of F. Gunther, of Hoboken; of William O'Connor, of Hoboken; of H. O. Wittpenn, of Jersey City; of Albert E. Roy, of Jersey City; of T. C. Kinkead, of Jersey City; of J. R.